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Saturday, September 2, 1972
Bhadra 11, 1894 (Saka)

LOK SABHA DEBATES

(Fifth Session)

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LOK SABHA SECRETARIAT
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LOK SABHA DEBATES

LOK SABHA

Saturday, September 2, 1972/Bhadra 11, 1894 (Saka)

The Lok Sabha met at Eleven of the Clock.
[MR. SPEAKER *in the Chair*]

OBITUARY REFERENCE

11 hrs.

MR. SPEAKER : I have to inform the House of the sad demise of Shri N Madhava Rau who passed away at Bangalore on the 28th August, 1972 at the age of 85.

Shri Madhava Rau was a Member of the Constituent Assembly during the years 1947—50 and was also a member of its Drafting Committee. He was one of the prominent figures in the public life of Mysore.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS, MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF SPACE (SHRIMATI INDIRA GANDHI): Mr. Speaker, Sir, one more of the founding fathers of this nation has passed away. We mourn the sad demise of Shri N. Madhava Rao, who was a member of the Constituent Assembly and also of its Drafting Committee. He was a prominent figures in the public life of Mysore. I associate myself and the House with the sentiments expressed by you. Please convey our condolences to the bereaved family.

SHRI DINEN BHATTACHARYYA (Serampore): Sir, I share the sentiments expressed by you and the Prime Minister at the sad demise of Shri Madhava Rao. I request you to convey the condolences of our group to the bereaved family.

SHRI S. M. BANERJEE (Kanpur): On behalf of my group, I share the sentiments expressed by you and the hon. Prime Minister, and I wish the same sentiments should be conveyed to the members of the bereaved family.

SHRI SEZHIYAN (Kumbakonam): On behalf of my party, I associate myself with the sentiments expressed by you and the Leaeder of the House and other colleagues here. Shri Madhava Rao was a very well-known figure who had many endearing qualities. He happened to be a very prominent member of the Constituent Assembly and its Drafting Committee. I request you to convey our heartfelt condolences to the bereaved family.

श्री जगन्नाथ जोशी (शाजापुर) : अध्यक्ष महोदय, दिवंगत आत्मा के प्रति सदन में जो भावनायें प्रकट की गई है उनके साथ अपने को तथा अपने दल को सम्बद्ध करते हुए भगवान से मैं प्रार्थना करता हूं कि वह दिवंगत आत्मा को सदगति प्रदान करे तथा आपसे प्रार्थना है कि शोक संतप्त परिवार तक हमारी संवेदनायें पहुंचा दें ।

श्री श्यामनन्दन मिश्र (बेगुसराय) : श्रीमन्, मैं अपने दल की ओर से दिवंगत आत्मा के प्रति श्रद्धांजली अर्पित करता हूं और दुखी परिवार के प्रति संवेदना। ।

PROF. MADHU DANDAVATE (Rajapur): Sir, I associate myself with the sentiments expressed in memory of the late Shri N. Madhava Rao.

MR. SPEAKER: The House may stand in silence for a short while to express its sorrow.

The Members then stood in silence for a short while.

11.05 hrs.

Re. MOTION FOR ADJOURNMENT AND OTHER MISCELLANEOUS MATTERS RAISED BY MEMBERS

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I have given notice of an adjournment motion on Government's faliure. . .

MR. SPEAKER: I did not allow it.

SHRI JYOTIRMOY BOSU: I would like you to read page 31 of the interim report on sugar nationalisation. . . .

MR. SPEAKER: This practice of bringing here everything by way of an adjournment motion should stop. Do not make it so cheap. It is a continuing situation.

SOME HON. MEMBERS *rose*—

MR. SPEAKER : Yesterday the Deputy-Speaker allowed certain submissions. To-day again it is said that this is the last day. On Monday you will again say "this is the last day". Why not have only one day as the last day?

SHRI S. M. BANERJEE (Kanpur): Sir, it is a very serious matters. Government should take over the wholesale trade and distribution of sugar . . .

MR. SPEAKER: Hon. Members go on speaking even when I am on my legs. Previously, the Speaker getting up was one manner of making the members sit down. Now when the Speaker is on his legs they would ask him to sit down.

While I appreciate the keeness of hon. Members to raise points, there is a method of doing it. It is not proper to raise every little thing here. Further, there is a procedure for that. Since this is the last day, I will allow one or two minutes to those who want to make their submissions.

SHRI S. M. BANERJEE: The ruling party itself has demanded nationalisation of sugar industry.

SHRI SPEAKER: You have a way of saying you are in a minority and you are oppressed or suppressed. But my feeling is that you are suppressing the majority. The majority is being tyrannised by the minority. It is my feeling.

SHRI DINEN BHATTACHARYYA (Serampore): Do you still belong to the ruling party?

MR. SPEAKER: This being the last day, I will allow one or two minutes to each hon. Member.

SHRI C. K. CHANDRAPPAN (Tellicherry): I want to bring a very serious matter to the notice of the House. All the medical colleges in Rajasthan, namely, the medical colleges at Ajmer, Bikaner, Jodhpur and Udaipur are on strike for the last so many days from 16th onwards. About 4,800 students are on strike demanding employment. The Minister has given an assurance here that anybody who is prepared to serve in the rural areas in dispensaries will be provided with employment. These students are ready to serve the Government by going to any area. Yet, they are not given any employment. On the 21st about 450 interms, house surgeons and registrars and post-graduate students joined the strike. The Rajasthan Government is using high-handed police measures to suppress the student movement there whose legitimate demand is for abolishing private practice by Government doctors and employment for the doctors in the dispensaries, and more stipend for the medical graduates to begin their services. I would like this Government to sympathetically consider the matter. The representatives of the Student Action Council of Rajasthan are here in the city and they would like to meet the Minister concerned and Prime Minister if she is kind enough to agree to meet them, so that they may take up the matter with the Rajasthan Government.

SHRI JYOTIRMOY BOSU : Sir, I would not mention about the adjournment motion, but I would like to invite the attention of the House through you that the Sugar Enquiry Committee has submitted its interim report and it has recommended nationalisation of the sugar industry for five or six valid reasons. Would you be kind enough to ask Government to make a statement as to what they propose to do about the interim report and also lay on the Table a copy of the report?

Then, I had given notice about Government's attitude towards provident fund defaulters. It is increasing every day. Mr. Khadilkar had given an assurance in July 1971 that Government are going to bring a legislation in that or next session. Even in the last budget session, he had given the same assurance. Is it because Government wants to protect these criminals, the economic offenders, that they are not bringing this Bill?

They are not demonetisting the currency, but there is talk that they have taken a decision to have wage freeze of the workers. It is a very serious matter. I would like Government to make a statement spelling out whether they have discussed or decided anything about wage freeze in the country.

SHRI P. M. MEHTA (Bhavnagar): I would draw the attention of the House to the disturbances which took place in Gujarat on 30th August 1972. The failure of Government's sugar policy and short supply of levy sugar to the State resulted in these disturbances, in which two persons lost their lives and 12 were injured by the CRP firing. Their demand was a legitimate one. The rural population demand that this unequal distribution and discrimination should be ended by the State Government. But instead of giving more sugar, they are given bullets. Two persons were killed, twelve injured and a great deal of excitement still previals in that State. I would therefore request Government to make a statement about increasing the sugar quantum to the rural population and giving adequate supply of levy quota to the State. I would also request Government to constitute a judicial enquiry by a High Court Judge to enquire into the matter thoroughly.

श्री शंकरदयाल सिंह (चतरा) : अध्यक्ष महोदय, अभी म्यूनिख में ओलम्पिक खेल हो रहे हैं । इस सम्बन्ध में मैं सदन की ओर सरकार का ध्यान आकृष्ट करना चाहता हूं ।

श्री शंकर दयाल सिंह

वहां पर भारतीय टीम को जो असफलता हुई है (**व्यवधान**) उस के सम्बन्ध में स्वयम प्रधान मंत्री ने कहा है कि यह बड़ा खेदपूर्ण है। जर्मनी के अखबारों में भी इस की बहुत आलोचना हुई है, खासकर इस बात की कि ओलिम्पिक गाँव में जहाँ खिलाड़ियों के रहने के लिए स्थान दिया गया था लहाँ अवैध रूप से ऐसे लोग हैं जो खिलाड़ी नहीं हैं, जो अधिकारी गये हैं उनके सगे और सम्बन्धी हैं। मैं यह भी कहना चाहूंगा कि इस दल के साथ दो डाक्टर गये थे। हमारी कुश्ती के दो पहलवान सुदेश कुमार और प्रेम नाथ जब दंगल में भाग ले रहे थे और उस में प्रेमनाथ घायल हुए तो जो दो डाक्टर हमारे गये थे उन में से कोई भी वहाँ नहीं था।

तीसरी बात म यह कहना चाहूंगा कि हमारे यहां से जो पदाधिकारी या दल के नेता गये थे उन का रवैया खिलाड़ियों और प्रैस के लोगों के साथ बहुत अच्छा नहीं रहा है। अतः मैं आप के माध्यम से सरकार का ध्यान आकृष्ट करना चाहूंगा कि क्या यह बात सही है कि खिलाड़ियों का चुनाव पक्षपातपूर्ण ढंग से किया जाता है और उन को ठीक से ट्रेनिंग नहीं दी जाती ? क्या भारतीय दल के साथ जो अधिकारी अपने बालबच्चों और बीवियों अथवा सगे सम्बन्धियों के साथ जाते हैं उनके विरूद्ध कोई कार्रवाई की गई है अथवा की जायेगी ? ओलिम्पिक गाँव में, अवैध रूप से रहने वालों की जाँच हो तथा अपनी ड्यूटी छोड़ कर जो अधिकारी और डाक्टर समय पर उपस्थिति नहीं थे उन्हें अविलम्ब मुअतल किया जाये। भारतीय दल के नेता तथा पदाधिकारियों का पत्रकारों के प्रति जो खेदपूर्ण रवैया रहा है, जिस की रिपोर्ट हाल में भारतीय समाचार पत्रों में आती रही है, उस के बारे में स्पष्टीकरण माँगा जाये तथा अपने दूताघास से इस सम्बन्ध में विस्त्रित जानकारी मंगा कर इस सदन को सूचित किया जाये।

(SHRI SAMAR GUHA (Contai): I want to draw the attention of Minister of External Affairs, through you, Sir, to one thing. The passport and visa system has been introduced between Indian and Bangladesh in place of permit system. The reason has not been explained. We have not been informed why the Government has replaced the present permit system by passport and visa system. It will involve trouble and difficulty for thousands of people. This is an important policy matter. I would request the Government to make a statement on that.

Secondly, when I drew your attention to latest position of Asians in Uganda, you yourself asked the Government to furnish us latest information. The Government has not yet given any information.

Then, about the dislocation of food rationing system in West Bengal, you kindly informed me not to raise the matter, that the matter has been intimated to the minister and that he will let me know about it in time. I have not yet been informed about it. This is also a very important matter. I would request the Minister to inform us the latest position there. In West Bengal papers, it has appeared in the headlines, that the Government of West Bengal has made a request to the Central Government to help in easing the situation.

Lastly, about Indo-Pakistan Agreement, it was agreed on the request made by some Opposition leaders that the matter should be discussed. What about that?

SHRI K. S. CHAVDA (Patay): Yesterday, there was a peaceful demonstration in Kaira district in Gujarat protesting against unequal sugar ration between rural areas and urban areas. I am putting another aspect of the matter. The demonstration was peaceful. There was no violence at all. Then, women were man-handled and violence took place. The police opened fire and four persons were killed. The main issue was about discrimination between rural areas and urban areas. Therefore, I demand that the Government should supply to the State of Gujarrat adequate quantities of sugar so that there cannot be any discrimination between rural areas and urban areas.

Secondly, the Government should hold a judicial inquiry into excessive force used by the police in that occurrence. The hon. Minister should make a statement on this matter. This was raised yesterday also by my hon. friend, Shri H. M. Patel.

SHRI KRISHNA CHANDRA HALDER (Ausgram): I have been shocked to hear the distorted news broadcast by All India Radio at 7.30 p.m.—the Bengali news on 1-9-1972 in connection with the findings of the Committee of Privileges regarding the

[Shri Krishna Chandra Halder]

complaint lodged by me against some police officer of Durgapur. It may be noted that the news of unqualified apology tendered by the police officer has been conveniently suppressed by the above-mentioned radio news. I want to read out the relevant portion of the report of the Committee of Privileges. On page 6, para 17, it is said:

> "The Committee are of the view that, considering all the circumstances of the case, the above unqualified apology offered by Mr. Rajendra Prasad Bhattacharyya, Sub-Inspector of Police and Incharge of the M.A.M.C. Investigation Centre, Durgapur, should be construed to be an apology on behalf of his subordinates."

This portion has been conveniently and intentionally omitted by the Radio . . .

SHRI DINEN BHATTACHARYYA: This is a very serious matter . . .

MR. SPEAKER: The hon. Member is already on his legs. Why do you get up? Please resume your seat.

SHRI KRISHNA CHANDRA HALDER: This is a serious matter. The main content of the news has been suppressed—the report which the Committee of Privileges submitted to this House. A breach of privilege has been committed by All India Radio . . . (*Interruption*).

Mr. SPEAKER: After the report is submitted, it becomes a public document.

SHRI DINEN BHATTACHARYYA: It cannot deliberately suppress a news. It is as good as misleading.

MR. SPEAKER: The report was laid on the Table of the House. (*Interruption*).

SHRI DINEN BHATTACHARYYA: The All India Radio is the loud speaker for Mrs. Indira Gandhi and her colleagues. If we speak, it will not come. Only the Ministers' speeches are broadcast in the radio and nothing comes other than those.

SHRI JYOTIRMOY BOSU: It is the policy of All India Radio *Bada Saheb* to run down the opposition (*Interruption*). The innocent reporters are sitting here—all fighting against the policy-makers of All India Radio.

MR. SPEAKER: My instructions are that, if more than one member starts speaking simultaneously, the reporting is always wrong, and I say that there cannot be reporting with more than one member speaking and that too without my permission.

SHRI S. M. BANERJEE: With your permission, Mr. Speaker, I would like to raise two issues. The first is that today in the Consultative Committee meeting all the members, without Party affiliations, were one in demanding that the minimum bonus should be raised from 4 to 8.33 per cent and that the decision should be announced before Puja, before Dusserah. In case Government is unable to give its decision before Puja, I think, there is going to be a wave of strike.

The second point is that it is my information, even after the assurance given by the hon. Minister, Shri K. R. Ganesh, that the All India figure of cost of living index, if you add the figure of July, has reached 239, and the Central Government employees are entitled to get relief at 238. Therefore, this should be announced without any reference to the Pay Commission.

These were the two important points that I wanted to make.

श्री जगन्नाथ राव जोशी (शाजापुर) : मैं भी इसी विषय को उठाना चाहता हूं। सरकार बढ़ती हुई कीमतों को रोकने में तथा वेतन आयोग की सिफारिशें जल्दी लाने में असफल रही है। इस वजह से सरकारी कर्मचारी बहुत तकलीफ में हैं। इस लिए हम चाहते हैं कि सरकारी कर्मचारियों को दशहरे के पहले अंतरिम राहत पहुंचाने का निर्णय सरकार ले।

PROF. MADHU DANDAVATE (Rajapur): I want to draw the attention of the House to a very serious crisis developing in the Indian Airlines. There has been a long-standing dispute between the Aircraft Engineers and the management of the Indian Airlines and a stage has come when the Minister for Civil Aviation and Tourism has told the Association that if they do not accept the offers made by the management and withdraw their demand for reference of the differential issue to arbitration, the Indian Airlines management will be forced to close down the Indian Airlines and only the surplus capacity of the Air India will be utilised for running the services. Sir, this is a very serious matter and a grave crisis is developing and I hope the Minister will take note of this and will try to have some sort of a settlement by referring the differential issue to arbitration.

11.27 hrs.

PAPERS LAID ON THE TABLE

REPORT OF C.A.G. OF INDIA ON UNION GOVT. (CIVIL) REVENUE RECEIPTS, 1970-71 AND NOTIFICATIONS UNDER CUSTOMS ACT

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI): On behalf of Shri K. R. Ganesh, I beg to lay on the Table—

(1) A copy of the Report (Hindi version) of the Comptroller and Auditor General of India on Union Government (Civil) Revenue Receipts, for the year 1970-71, under article 151 (1) of the Constitution. [*Placed in library. See* No. LT-3599/72.]

(2) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962:—

(i) G.S.R. 382(E) and G.S.R. 383 (E) published in Gazette of India dated the 19th August, 1972 with an explanatory memorandum.

(ii) The Transfer of Residence (Amendment) Rules, 1972, published in Notifications No. G.S.R. 1003 in Gazette of India dated the 19th August, 1972 together with an explanatory memorandum.

(iii) G.S.R. 1004 and G.S.R. 1005 published in Gazette of India dated the 19th August, 1972 together with an explanatory memorandum. [*Placed in library. See* No. LT-3600/72.]

(3) A copy of Notification No. G.S.R. 961 (Hindi and English versions) published in Gazette of India dated the 12th August, 1972, issued ununder the Central Excise Rules, 1944, together with an explanatory memorandum. [*Placed in library. See* No. LT-3601/72.]

STATEMENT SHOWING ACTION TAKEN ON RECOMMENDATIONS MADE IN PART II OF REPORT OF COMMITTEE ON BROADCASTING AND INFORMATION MEDIA

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINHA): I beg to lay on the Table a statement (Hindi and English versions) showing action taken on the recommendations contained in Part II of the Report of the Committee on Broadcasting and Information Media on 'Coordination of Media of Mass Communication'. [Placed in library. *See* No. LT-3602/72.]

DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT RULES, 1972

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA): I beg to lay on the Table a copy of the Dock Workers (Regulation of Employment) Amendment Rules, 1972 (Hindi and English versions) published in Notification No. S.O. 2043 in Gazette of India dated the 5th August, 1972, under sub-section (3) of section 8 of the Dock Workers (Regulation of Employment) Act, 1948. [Placed in library. See No. LT-3603/72.]

REPORT OF COMMITTEE TO REVIEW WORKING OF NATIONAL AKADEMIES AND I.C.C.R.

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV): I beg to lay on the Table—

(1) A copy of the Report of the Committee appointed to review the working of the National Akademies and the Indian Council for Cultural Relations.

(2) A statement explaining the reasons for not laying the Hindi version of the above Report simultaneously. [Placed in library. *See* No. LT-3604/72.]

NOTIFICATIONS UNDER ALL-INDIA SERVICES ACT

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All India Services Act, 1951:—

(1) The Indian Administrative Service (Fixation of Cadre Strength) Eighth Amendment Regulations, 1972, published in Notification No. G.S.R. 377(E) in Gazette of India dated the 17th August, 1972.

(2) The Fourteenth Amendment of 1972 to the Indian Administrative Service (Pay) Rules, 1954, published in Notification No. G.S.R. 378 (E) in Gazette of India dated the 17th August, 1972.

[Shri F. H. Mohsin]

(3) The Indian Administrative Service (Pay) Thirteenth Amendment Rules, 1972, published in Notification No. G.S.R. 384(E) in Gazette of India dated the 21st August, 1972.

[*Placed in library. See* No. LT-3605/72.]

11.29 hrs.

STATEMENT RE. DROUGHT CONDITIONS IN THE COUNTRY

THE MINISTER OF AGRICULTURE (SHRI F. A. AHMED): I beg to lay on the Table a statement on drought conditions in the country.

Statement

The Hon'ble Members will kindly recall the statement made in the House on the 1st August, 1972, regarding the drought situation in certain parts of the country.

I am glad to inform the House that with the recent rains, the drought situation and the prospects of the *kharif* crops have improved to some extent in most parts of the country. However, as a result of the earlier dry spells, scarcity conditions are prevailing in some areas of Andhra Pradesh, Bihar, Gujarat, Maharashtra, Mysore, Madhya Pradesh, Manipur, Nagaland, Orissa, Rajasthan, Tripura, Uttar Pradesh and West Bengal. In all these States, effective and adequate relief measures continue to be undertaken by the State Governments.

Central Teams have by now visited the States of Bihar, Orissa, Rajassthan, Tripura, U.P. and West Bengal for on-the-spot assessment of the situation. Such Teams would shortly be visiting Andhra Pradesh, Madhya Pradesh, Maharashtra, Manipur, Mysore, Nagaland and Rajasthan. The request of the Gujarat Government for deputing a Central Team has just been received and is under consideration. Meanwhile, *ad-hoc* loan assistance to the concerned State Governments, wherever required, has been provided.

As part of the new initiative taken by my Ministry this year, a country-wide emergency production programme for retrieving the losses of the *kharif* crops and increasing the production of *rabi* and summer crops has been formulated and is being vigorously implemented. Under this programme, arrangements are being made for immediate augmentation of irrigation facilities by commissioning of existing tubewells and construction of new ones, installation of pumping sets, erection of *kutcha* bunds for diverting water from rivers and streams, and completion of irrigation channels, etc. The supply of seeds, fertilizers, pesticides, plant protection equipment, aerial spray and of short-term credit is also being arranged. Special allocations, over and above the Plan provisions, are being made to the State Governments for implementing the emeregency production programme.

Altogether, Rs. 85.43 crores have been sanctioned by the Central Government so far to the various affected States as *ad-hoc* loan assistance for the relief operations, towards assistance for implementing the Emergency Production Programme and towards short-term loans for agricultural inputs.

My colleagues, Shri Shinde, Prof. Sher Singh and I, as well as senior officers of my Ministry, have visited most of the affected States and held discussions with the State Governments to ensure that timely and effective measures are taken for providing relief.

At the advice of my Ministry, the State Governments have strengthened and augmented the public distribution system to ensure the availability of foodgrains, particularly in the areas affected by scarcity. We have adequate stocks of foodgrains to meet all the reasonable requirements of the State Governments.

In the House, particular attention has been drawn by the Hon'ble Member Shri Shiv Shankar Prasad Yadav to the scarcity conditions in Bihar and to certain alleged cases of death due to starvation there. The drought has undoubtedly affected large parts of Bihar. However, the State Government as well as my Ministry have taken prompt and effective measures to provide relief to the people by opening relief works, organising gratuitous relief and undertaking the necessary public health measures. The State Government has also constituted an All-Party Relief Coordination Committee.

I visited the State recently and held discussions with the State Government. My colleague, Shri Shinde, and senior officials in my Ministry have also discussed various matters relating to the supply of foodgrains and organisation of relief operations and the special production programme with the State Chief Minister and his senior

officials. My Ministry has considerably stepped up the despatches of foodgrains to the State. The State Government has also strengthened and augmented the public distribution system. I assure the House that all reasonable requirements of the State for foodgrains will be met.

Regarding starvation deaths, the State Government has reported that no case of death due to stavation has occurred. The cases of starvation deaths pointed out by the Hon'ble Member have also been referred to the State Government for enquiry and report.

Particular concern has also been expressed by some of the Hon'ble Members regarding the scarcity conditions in Andhra Pradesh. The situation in that State is admittedly difficult because of insufficient rainfall successively over the last two years. However, the State Government and the Government of India have been fully alive to the situation. Adequate relief measures have been undertaken by the State Government. I recently visited the State and held discussions with the State Government on various matters relating to the supply of foodgrains, organisation of relief operations and the emergency production programme. By now, the State Government has been sanctioned an *ad-hoc* loan assistance of Rs. 45 crores for the drought relief operations. My Ministry has also sanctioned Rs. 2.06 crores for minor irrigation works and Rs. 10 crores for agricultural inputs under the emergency production programme.

The Hon'ble Members will thus appreciate that both the Central and the State Governments are fully alert and vigilant and have been taking, and will continue to take, all necessary steps to deal with the situation.

SHRI P. VENKATASUBBAIAH (Nandyal): Yesterday, I wrote a letter to you with regard to the drought situation that is prevailing in Andhra Pradesh.

MR. SPEAKER: Just a minute please. You could have got up at that time when I allowed others to make their submissions.

SHRI P. VENKATASUBBAIAH: No, no, Sir, please hear me.

MR. SPEAKER: You see, if you want to make a statement arising out of the Minister's statement, I will not permit it. But, otherwise, when I have allowed so many other gentlemen, you could have also taken advantage of that.

SHRI P. VENKATASUBBAIAH: Yesterday, I said that I will seek certain clarifications from the Minister's statement when he makes the statement in the House on the drought situation with particular reference to the drought conditions prevailing in Andhra Pradesh. So, I was expecting that the Minister will read out his statement. That is why I did not seek your permission to speak on this matter.

MR. SPEAKER: You first read that statement and then if you want to say something on your own, I will allow you on Monday for a minute or two.

How long is the statement?

SHRI F. A. AHMED: Two sheets statement.

MR. SPEAKER : It has been laid already. It is there. Kindly sit down.

MR. P. VENKATASUBBAIAH : I want to seek some clarifications from the Minister. In view of the alarming situation prevailing in Andhra Pradesh . . .

MR. SPEAKER: After the Minister's statement, there will be no questions, nothing of that type. You can read that statement and, then, later on make a submission, independent of the statement, some other day.

SHRI SHYAMNANDAN MISHRA (Begusarai): He wants to seek some clarifications with regard to the statement which has been laid on the Table at the moment.

SHRI P. VENKATASUBBAIAH: I would request you to ask the Minister to read out the statement so that we may seek some clarifications.

MR. SPEAKER: I am not allowing anything after the Minister's statement. You do not follow me. You kindly read the Rules.

SHRI P. VENKATASUBBAIAH: I want to know whether these facts were brought to his notice with regard to the alarming drought situation prevailing in Andhra Pradesh. I will ask him now and he may give me the reply on Monday.

MR. SPEAKER: Yes, you can ask him.

SHRI P. VENKATASUBBAIAH: Is he aware of the fact that there is an alarming . . .

MR. SPEAKER: A wrong time you have chosen for it. I have given enough time earlier.

SHRI P. VENKATASUBBAIAH: There are hungry marches of people in Andhra Pradesh. The entire State has been affected and people are migrating to the towns for employment and some of them are living on palm leaves.

[Shri P. Venkatasubbaiah]

Not even drinking water is available in some places and even a pot of water is sold at Rs. 3. They have no food and they have no water. The Central Government's assistance is not adequate at all.

MR. SPEAKER: You may go through the statement laid on the Table of the House. Part four relates to Andhra. Kindly read the statement and then you may take it up on Monday, if there is anything.

श्री हुक्म चन्द कछवाय (मुरेना) : अध्यक्ष महोदय, मध्य प्रदेश, बिहार और राजस्थान में भी सूखा पड़ा हुआ है । मंत्री महोदय ने उन के बारे में क्या कहा है ? आप मंत्री महोदय को कहें कि वह वक्तव्य को पढ़ दें ।

SHRI B. N. REDDY (Niryalguda): Andhra Pradesh Government has asked certain help from the Central Government. What amount has been sanctioned by the Central Government? At least this much should be answered by the hon. Minister.

MR. SPEAKER: I am not allowing questions on the statement.

11.31 hrs.

STATEMENT RE. ALLEGED HARASSMENT AND ILL-TREATMENT OF MEMBER

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): I beg to lay a statment regarding the alleged harassment and ill-treatment meted out to Shri Ajit Kumar Saha, M.P. by the Railway Staff and Police at Asansol Railway Station on the 29th June, 1972.

Statement

A copy of the letter dated 1-7-1972 from Shri Ajit Kumar Saha, MP, addressed to the Speaker was forwarded to us for obraining a factual report on the complaint made therein regarding harassment and ill-treatment meted out to him by the railway staff and police at Asansol Railway Station on the 29th June, 1972. The Ministry of Railways and the Government of West Bengal were requested to furnish a factual report on the subject. The Ministry of Railways obtained a report from the General Manager, Eastern Railway. The Government of West Bengal got an inquiry made into the matter by the Executive Magistrate I Class, Asansol. Copies of these reports were furnished to the Lok Sabha Secretariat, who had made them available also to Shri Saha.

2. According to information received from the Government of West Bengal, one Shri Krishna Kanta Dutta S/o late Bijoy Gopal Dutta is being prosecuted under section 182 IPC for allegedly giving false information with the intent to cause a public servant to use his lawful power to the injury of another person and the criminal case is sub-judice in a court of competent jurisdiction.

3. Shri Ajit Kumar Saha has made some further observations on the reports received from the Government of West Bengal and the Ministry of Railways. Since a criminal case arising out of this matter is sub-judice, I would like to refrain from making any further statement on the subject.

SHRI AJIT KUMAR SAHA (Vishnupur): The Police has filed a case against Mr. Krishna Kant Datta and the matter is *sub-judice* and I do not want to say anything about Mr. Datta's action. But I made certain serious charges against certain railway officials and police who had harassed me beyond limit, who prevented me from making the journey and to fulfil Parliamentary assignments. But in the statetment the hon. Minister has not said anything about these police and railway officers, what action has been taken against them.

SHRI K. C. PANT: In the statement I have explained the whole position. The letter has been written by Mr. Saha to you. We have made enquires and the report came from the General Manager, Eastern Railway. There was the report from the West Bengal Government.

SHRI JYOTIRMOY BOSU: (Dimond Harbour): Do you take it as gospel truth?

SHRI K. C. PANT: The First-class Magistrate, Asansol has sent a report. All the reports were sent to you and you were good enough to send all these reports to the hon. Member. He has gone through the report. According to the information sent to us from the Government of West Bengal, one Shri Krishna Kant Datta is being prosecuted under sec. 182 I.P.C. for allegedly giving false information with the intent to cause a public servant to use his lawful powers to the injury of another person and the criminal case is *sub-judice* in a court of competent jurisdiction.

It is for that reason that I have said that at this stage I could not give any further facts.

SHRI JYOTIRMOY BOSU: I have written to you earlier about this. There are two things involved here. *Prima facie* it has been established that a case lies in favour of Shri Ajit Kumar Saha. Secondly, are we to ask the railways to sit on judgment on their own activities? Are we to ask the West Bengal Government to set in judgment on their own activities? . . .

MR. SPEAKER: It has gone to a magistrate now.

SHRI JYOTIRMOY BOSU: So, let it be referred to the Privileges Committee.

MR. SPEAKER: It has gone for judicial inquiry . . .

SHRI JYOTIRMOY BOSU: I have studied the report very carefully and I find that . . . .

MR. SPEAKER: When the report came from the railways and other officers, it was sent to the Member.

SHRI JYOTIRMOY BOSU: We do not agree with the report.

MR. SPEAKER: The Member may not agree. But now this case has been referred for judicial inquiry.

SHRI JYOTIRMOY BOSU: No.

MR. SPEAKER: It is a regular prosecution against the man who gave wrong information.

SHRI DINEN BHATTACHARYYA (Serampore): Nowhere do we find that in the statement.

MR. SPEAKER: The Member met me and said that he was not satisfied. Now, there is a prosecution pending, a criminal case pending against the man who gave wrong information about the Member. I think the hon. Member should be more than satisfied. If they want to question everything . . .

SHRI S. A. SHAMIM (Srinagar): The complaint is regading the railway officers and not about any private person.

MR. SPEAKER: The whole thing will start from that prosecution. They are all inetr-connected.

SHRI JYOTIRMOY BOSU: No. I had written to you seeking your kind permission to make a submission. Kindly give me two minutes, and I shall sit down before the lapse of two minutes.

There are three things involved. One is complaint against the railway staff. The second is complaint against the Asansol GRP. The third is complaint against Shri Dutta of Bankura. The case has been started against Shri Dutta of Bankura. The matter relating to that is *sub judice*, and we shall say nothing against that Dutta or about that case. But what about the railway persons and the police persons who had tried their best to prevent him from performing the journey to come to Parliament to attend to his duties? This is a very serious case of breach of privilege. Therefore, I submit that the matter should go to the Privileges Committee. I would like to make one further submission. You in your wisdom, Sir, have decided in this manner I have no bitter mouth. But Shri C. M. Stephen's privilege motion had been readily admitted, but here is a case where a real privilege arises, and we have been sitting over it for two months. This is my submission, and I leave it to you.

MR. SPEAKER: So far as that gentleman is concerned, who gave wrong information about the Member, there is a prosecution pending against him.

SHRI DINEN BHATTACHARYYA: What about the railway officials ?

SHRI SEZHIYAN (Kumbakonam): There are two or three persons involved in this.

SHRI K. C. PANT: I would like to remove whatever doubts may remain in the matter. As you, Sir, have yourself observed. . . .

SHRI JYOTIRMOY BOSU: Protector of the police.

SHRI K. C. PANT: ... a case is pending in a court of competent jurisdiction, against Shri Krishna Kant Dutta. The crux of the matter is that somebody makes a wrong complaint that a person in the first class waiting room is not an MP, and he makes a written complaint; thereafter, the railway people and the police try to ascertain whether it is a fact or not. Ultimately, the police are satisfied, and the Member proceeds on his journey. Now, I cannot go into all these things because the basic point is before a court of law . . .

SHRI JYOTIRMOY BOSU: No.

SHRI K. C. PANT: The basic point is before a court a law. And a written complaint has been made. Suppose no inquiry had been made by the railway officers or by the police, then the House would have been right in asking why they did not make any inquiry after a written complaint had been made. This is obvious.

SHRI INDRAJIT GUPTA (Alipore): This is not at all satisfactory. What the hon. Minister has said is not at all satisfactory. The question of somebody having

[Shri Indrajit Gupta]

given false information has been referred to a court for inquiry. That matter is *sub judice*. Then, an hon. Member of this House had made a specific complaint that he had been ill-treated and harassed and obstructed. His identity card was shown. . .

SHRI JYOTIRMOY BOSU: His identity card was seized and torn; its cover was torn.

SHRI INDRAJIT GUPTA: Here was an hon. Member of the House who was proceeding on his journey to Delhi to attend the session of Parliament. That matter has not been referred to any court for inquiry. The hon. Minister has simply stated here that some reports had been called for and have been received from the Ministry of Railways and the State Government.

But these have been shown to the hon. member concerned and he is not satisfied. He thinks that that is not a correct statement of fact. What is to be done on that portion of it? The Committee on privileges can make an inquiry on which we will have some confidence and let them come to a conclusion on the basis of the facts which are obtainable by them.

SHRI SHYAMNANDAN MISHRA (Begusarai): There are three offences. On one, action is being taken, and we are satisfied to that extent that action is being taken in respect of one offence. But what about the other two offences, when certain police officials and railway authorities misbehaved with the hon. member?

SHRI JYOTIRMOY BOSU: Deliberately.

SHRI SHYAMNANDAN MISHRA: This is distinct from the other offence. Whether that action on one offence can delay action on the other offences is a joint for you to consider.

The third offence is that there has been a breach of privilege. This is a matter with which Parliament and its Privileges Committee are directly concerned. How can we shirk our responsibility in this matter? As the Parliament of India, how can we shirk it? It should be referred to the Privileges Committee.

SHRI S. A. SHAMIM: What are the functions of the Privileges Committee? In such cases if the police or judicial magistrate or anybody else should take cognisance, then we must dispense with the services of the Privileges Committee. In this case of by the Privileges Committee, every private person will call for every MP's identity card and the police will harass the MP. Once the identity card was looked into, that should have been accepted and the complaint lodged should have been proceeded with. Here he came in mufti. When he said, 'I am an officer' he was asked, 'Where is your uniform?'. Then he showed his pistol. All these acts are separate. We are not concerned with Shri Dutta or whoever it is. We are really concerned with the behaviour of the railway officials and the police officials. That is what comes within the purview of the Privileges Committee.

MR. SPEAKER: Do not make it a matter of debate

SHRI SEZHIYAN: This is *prima facie* a matter of privilege and should be referred to the Committee of Privileges. Irrespective of the fact whether there is a departmental action being taken or departmental inquiry going on, the Speaker must *suo motu* refer this to the Privileges Committe, without waiting for any further report. A *prima facie* case has been established, there need not be any delay and it should straightway go to the Privileges Committee.

SHRI R. S. PANDEY (Rajanandgaon): I do agree with Shri Shamim . . .

MR. SPEAKER: I quite agree there are three parts to it. The whole thing started with the action of Shri Dutta. He gave an information to the police. The second is that when the police were so informed, they should have exercised a bit of their own sense also in ascertaining the fact.

SHRI R. V. BADE (Khargone): Indentity card was shown.

MR. SPEAKER: The third one is obstruction caused to the member. One matter concerning the first, wrong information given about the member, is already under investigation. About the other two, I will see it again. I will re-examine it and also see what is the position, when one part is already under investigation. Or if we can wait, let this matter be an open issue, no decision on it; let us see what comes out of the first part.

SOME HON. MEMBERS: No, no.

SHRI R. R. SHARMA (Banda): The other two matters should not be delayed.

MR. SPEAKER: If that judicial inquiry takes one view and your Privileges Committee takes another view, I will have to separate them (*interruptions*).

I will have to examine it. I cannot give an off-hand opinion on it.

SHRI JYOTIRMOY BOSU: On Monday.

MR. SPEAKER: Not so quickly. (*Interruptions*). No please. Do not be speedy in everything. After all, I have to see and examine it.

DR. KAILAS (Bombay South): All the three points which you have rightly mentioned are going to be inter-connected. (*Interruption*).

SHRI R. S. PANDEY: Sir,—

MR. SPEAKER: Order please. Dr. Kailas and Mr. Pandey, do not take it that if something comes from the Opposition, it must be opposed. It is a question of right of all the Members.

DR. KAILAS: I was only trying to support their point.

MR. SPEAKER: The question is of a very wide range. If something may happen to you tomorrow or something may happen to others, it is a matter that affects very much the rights and privileges of Members. Please see that such matters are decided as above-party issue.

SHRI R. V. SWAMINATHAN (Madurai): Sir, why can't you decide the matter? Why do you wait? You can decide it. You have advised us that we should not oppose everything that comes from the Opposition. We take your advice. This is a matter which you yourself can decide.

MR. SPEAKER: I am going to examine it. It is a question concerning the privileges of the Members. Tomorrow, something may happen this side also. (*Interruption*).

SHRI R. S. PANDEY: Just one minute. I do appreciate, and I agree with you. I do appreciate the sentiments expressed by the Opposition. It is not a question of Treasury Benches *versus* the opposition. The question is, how to protect the rights of and privileges of Members. If any misbehaviour takes place on the part of the authority concerned, you being the custodian have to safeguard the interests of the Members. If there is something wrong, the authority should report it to you. You are the supreme person so far as the interests of the Members are concerned. What is a judicial enquiry? When a judicial enquiry starts, the matter becomes *sub judice*. So long as you are the custodian of the House, we have got every right to come to you and nobody else.

MR. SPEAKER: Mr. Swaminathan, what did you say? I did not quite catch you.

SHRI R. V. SWAMINATHAN: My point is, we take your advice. You have given us a very sane advice. I want that you should decide on this matter. After all, it is a very simple one. You can refer it to the Privileges Committee. Nothing stands against such a procedure.

SHRI DINESH SINGH (Pratapgarh): This is really not a matter for the House to consider. It has been brought to your notice and you can *sou motu* send it to the Privileges Committee. The opinion of the House, as I could see, is quite clear, that it should go the Privileges Committee. Even if there is some question involved about another committee looking into it, I am sure the Privileges Committee will see that they do not trespass into any other matter.

SHRI S. M. BANERJEE (Kanpur): Let us move a motion. (*Interruption*).

MR. SPEAKER: Kindly sit down. You are always ready for moving a motion. Now, I want to examine how to separate that part which has already gone under another jurisdiction or is *sub judice*, and the other part, so that there may be no clash between the two. We will try to put it in such a way. Let me examine it. I do not commit myself, but I will examine it.

11.49 hrs.

PETITION RE. PRESERVATION OF FREEDOM OF PRESS

SHRI JYOTIRMOY BOSU (Diamond Harbour): I beg to present a petition signed by Sarvashri Dilip Chakraborty and Jayanta Kumar Gan, Editor and Printer and Publisher, respectively, of the Bengali news weekly Bangla Desh, Calcutta, regarding preservation of the freedom of Press.

MR. SPEAKER: I do not know how these items have started coming on the agenda. Kindly bring your petition to me in my Chamber.

SHRI JYOTIRMOY BOSU: You were not there.

MR. SPEAKER: I am always there.

11.50 hrs.

RE. BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTRY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): Sir, certain important items of business are still pending. Besides certain Members belonging to the Scheduled Castes and Tribes in this House have sent in a letter saying that they feel that the time allotted for discussion on the report of the commissioner for Scheduled Castes and Tribes is short. They therefore request that at least ten hours should be allotted for discussion. You may kindly consider this point also.

MR. SPEAKER: It is for you to consider; I am not in the picture.

SHRI RAJ BAHADUR: For all these reasons I have consulted my friends in the Opposition we may sit on Monday also.

SHRI K. S CHAVDA (Patan): Why only ten hours now. Last time, before the 1970 elections, 24 hours were allotted . . . (*Interruptions*).

MR. SPEAKER: Order, Order. After all there must be some decorum. You are forgetting everything. I have called some other Member.

SHRI D. BASUMATARI (Kokrajhar): We wish to say regretfully that this subject had been neglected by the Government.

MR. SPEAKER: You will have enough time now.

श्री शम्भू नाथ (सैदपुर) : अध्यक्ष महोदय, जहां तक 10 घन्टे का सवाल है, मंत्री महोदय को शैडयूल्ड कास्ट और शैडयूल्ड ट्राइब्स सदस्यों को इस मांग को जरूर स्वीकार करना चाहिये । लेकिन एक बात में सरकार से विशेष रूप से कहना चाहता हूं--यह बड़ा अहम सवाल है, जब इस पर बहस होने लगे तो आप इस बात का आदेश दें कि होम मिनिस्ट्री के मंत्री यहां पर जरूर मौजूद रहें, क्योंकि यह होम मिनिस्ट्री से ज्यादा ताल्लुक रखती है । इस लिये बहस के समय होम मिनिस्टर का रहना ज्यादा जरूरी है ।

SHRI SEZHIYAN (Kumbakonam): He referred to the request from the members of the Scheduled Castes and Tribes asking for extension of time at least to ten hours. I am not opposing that. He also said some consultation were held with the Opposition. He did not specifically say about that. He said that the session might be extended on Monday. It is not as simple as it appears. The whole of Monday will be taken up by that business. What about the discussions that were left out yesterday which were put in the agenda. The ruling party was responsible for what happened yesterday evening. It does not do much credit to the ruling party nor to the functioning of parliamentary democracy. I am constrained to say that the newspapers have said many things though it is not in our records. The papers say that when the quorum bell was sounded not a single Congress Member was seen entering the Chamber.

MR. SPEAKER: All that was discussed and settled.

SHRI SEZHIYAN: I want to put on record that this is not a creditable performance for the ruling party.

SHRI RAJ BAHADUR: I also have to say that though the Government is responsible for maintaining the quorum, there is a feeling in my party that the Opposition is not playing it fair, that solemn promises and assurance on the question of quorum are violated . . . (*Interruptions*).

अध्यक्ष महोदय : दोनों तरफ कछवाय बैठे हुए हैं, इधर भी कछवाय बैठे हैं, उधर भी कछवाय बैठे हैं--दोनों तरफ हैं ।

SHRI INDRAJIT GUPTA (Aliporc): The Hon. Minister proposed the extension of session by another day, upto Monday. He should at the same time tell us what is the business which he is proposing. He read out from some letter.

SHRI RAJ BAHADUR: It is the same business which was pending on yerterday's agenda. Government are anxious to state their position in regard to the FCI. We are very keen to make our statement. We are quite willing that the time that the Speaker allotted under rule 193 should be given on Monday. Secondly, we are keen that after Mr. Mohanty makes his submission, Mr. Ganesh should be allowed to speak on behalf of the Government in regard to the direct tax enquiry committee discussion . . . (An Hon. Member: There is a right of reply also). Of course, there is a right of reply. Then there is half an hour discussion by Shri C. K. Chandrappan.

MR. SPEAKER: We now pass on to the next item.

SHRI SHYAMANANDAN MISHRA (Begusarai): Then there are certain things which were to be taken up under the direction 115 of the Chair. That also would be taken up on that day.

MR. SPEAKER: Contradiction in replies? We sent it to the Minister.

SHRI H. M. PATEL (Dhandhuka): How much time is proposed for discussion under 193?

MR. SPEAKER: They had agreed for one hour the other day.

SHRI H. M. PATEL: No, Sir; that is not enough. Adequate time should be given.

SHRI RAJ BAHADUR: Mr. Samar Guha had raised the question in regard to the statement made by the External Affairs Minister on Indo-Pakistan talks. That also will be taken up on that day.

MR. SPEAKER: In one day? All this? I am surprised because when we extended the time you told me that the Members

of the Scheduled Castes wanted more time for discussion and that it may be postponed to the next session. Now it has come again and you will have time within these two days, today and the day after tomorrow. We took another day and again we took another day. This should not be done. We shall have to finish on Monday, everything. We cannot extend the session.

श्री बी० पी० मौर्य (हापुड़) : अध्यक्ष महोदय, शैडयूल्ड कास्ट रिपोर्ट दिसम्बर में आ गई थी और बड़ी आसानी से सदन के शुरुआत में ही उस को रखा जा सकता था, लेकिन अब अन्त में रखा जा रहा है। इस का नतीजा यह निकलेगा कि सोमवार को इतना ज्यादा बोझा है, आप कहेंगे कि 10 बजे रात तक बैठो और इस जल्द-बाज़ी में शैडयूल्ड कास्ट और शैडयूल्ड ट्राइब्स की तमाम समस्याओं का महत्व जाता रहेगा। इस लिये मैं चाहता हूं—या तो सदन को बुधवार तक के लिये बढ़ाया जाय और यदि नहीं बढ़ा सकते हैं तो फिर अगले सदन के शुरू में ही इस को रखा जाय ताकि उस का महत्व कायम रहे।

अध्यक्ष महोदय : यह तो ठीक नहीं है, पहले इधर से कहा जाय कि एक दिन बढ़ा दो, फिर उधर से कहा जाय कि एक दिन बढ़ा दो, यह तो गलत बात होगी।

SHRI INDRAJIT GUPTA: My submission is that the Scheduled Castes Members, not only they but others also want that sufficient time should be given for discussion on that report. Many of them had already written asking for at least ten hours. Along with the other items of business I do not think that they could be given ten hours today and on Monday. When we take up the discussion on that report today, it should be continued till the end of today. I do not know how many hours we shall be able to devote today, perhaps 3 or 4 hours.

MR. SPEAKER: Six hours.

SHRI INDRAJIT GUPTA : Then, it should be held over to the next session.

SOME HON. MEMBERS: No.

SHRI INDRAJIT GUPTA : On Monday there will be no time for any other business; he has already stated those items of business.

12 hrs.

श्री हुकमचन्द कछवाय (मुरेना) : अध्यक्ष महोदय, मैं पिछले 10 12 वर्षों से देख रहा हूं कि शेडयल्ड कास्ट्स और रोड्यल्ड ट्राइब्ज की रिपोर्ट यहां पर पेश होती है लेकिन उस पर दो दो, तीन तीन वर्ष तक चर्चा नहीं होती है। और जब चर्चा होनी भी होती है तो सेशन के बिल्कुल अन्त में रखी जाती है। आखिर सरकार इस प्रकार का भेदभाव क्यों करती है ? मैं निवेदन करता हूं कि जब भी कभी इस रिपोर्ट पर चर्चा होनी हो तो सत्र के प्रारम्भ होने के समय ही वह होनी चाहिए। हम देखते हैं कि लगातार इसकी अवहेलना की जाती है। माननीय सदस्य काफी ज़ोर देते हैं तब भी सरकार इस पर चर्चा नहीं करना चाहती। इस बार भी इस पर चर्चा होने वाली नहीं थी परन्तु माननीय सदस्यों ने जब काफी ज़ोर डाला तभी सरकार इस के लिए राज़ी हुई। इसलिए मेरी प्रार्थना है कि जब भी इस पर चर्चा हो वह सत्र के प्रारम्भ में हो और काफी समय उसके लिए दिया जाये।

SHRI BUTA SINGH (Rupar): This a very important matter of urgent public importance, involving the lives of millions of people who are depressed and oppressed. While making my observations, I must express my appreciation of the keenness and interest being shown by the minister, Prof. Nurul Hasan. He is very kind and generous but at the same time, I must say, the way this report is dealt with in this House is rather casual. Every session we have to press for a discussion and after so much of pressure this report is always put at the fag end of the session. I have discussed this matter not only with members on this side but with opposition members also. They are of one opinion that this report should be taken up preferably in the next session in the first week, so that due importance is given to the report and members will have an opportunity to express their views, which should be taken into consideration by Government. This report does not pertain to the last year; it pertains to 1969-70. Three years have already passed and heavens are not going to fall if the discussion is postponed till the beginning of next session. We want that this report should get its due importance in this House and members should have the fullest opportunity to express their views, which Government should take serious note of.

MR. SPEAKER: We will take up the time available now and additional time may be taken up at beginning of the next session.

SHRI RAJ BAHADUR: Yes, Sir.

श्री पन्नालाल बारूपाल (गंगानगर) : ऐसा नहीं होना चाहिए । ···(**व्यवधान**).... अध्यक्ष महोदय, हिन्दू समाज ने हमारे पूर्वजों पर बहुत अत्याचार किए हैं । जो बचा खचा भोजन होता था वह उनको दिया जाता था और आज भी वही स्थिति है ।....(**व्यवधान**)... इस पर शर्म आनी चाहिए। ....(**व्यवधान**)... इस रिपोर्ट पर चर्चा का समय देकर हमारे ऊपर कोई मेहरबानी नहीं की जा रही है । (**व्यवधान**)...

SHRI R. D. BHANDARE (Bombay-Central): I quite appreciate the sentiments of the members so far as the report of the Commissioner for Scheduled Castes and Scheduled Tribes is concerned. Thier minds are exercised very much.

Therefore, my suggestion and prayer is that instead of discussing this report in a mutilated form for some hours today and then in the next session, I would make a suggestion and a strong plea to the members and to the House that it should be taken up in the first week of the next session so that we can do justice to the cause for which some provision is made in the Constitution in spite of us, in spite of the world and in spite of the dominant community. Therefore, let it be taken up in the first week of the next session so that justice would be done to this. This is my concrete suggestion.

SHRI R. S. PANDEY (Rajanandgaon): I represent the Scheduled Castes and Scheduled Tribes. So, I consider myself half Scheduled Caste.

MR. SPEAKER: He is not a Scheduled Caste or Tribe hismelf.

SHRI R. D. BHANDARE: It is not a question of one being a Scheduled Caste or Tribe. It is a question affecting one-fifth of the population of this country. It is not a question of half Scheduled Caste or not.

SHRI RAJ BAHADUR: We are fully conscious of the fact that our friends of the Scheduled Castes and Tribes are very much exercised over this and they want an early discussion. But, at the same time, hon. Members also know the exigencies of circumstances in which the business of the House had to be fixed. So, we would certainly like to consider very seriously the suggestion made by the hon. Member, Shri Bhandare. But may I ask you for some time so that we may get together and decide . . . (*interruptions*). If you want to decide it here and now, then there is no business for the House after one hour or so . . . (*interruptions*).

MR. SPEAKER: If all of you stand up and speak what can I do? Neither do you listen to other hon. Member nor would you allow me to listen to them. This is not the way of keeping the dignity of the House.

Now the hon. Minister wants some time for considering this matter. In the meanwhile, we will proceed with the next business. I think the next two Bills will be disposed of in half an hour or one hour, because we had allotted the whole day for the discussion of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes.

12.10 hrs.

DELHI SCHOOL EDUCATION BILL*

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): Sir, I beg to move for leave to introduce a Bill to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto.

MR. SPEAKER: The question is:

> "That leave be granted to introduce a Bill to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto."

The motion was adopted.

PROF. S. NURUL HASAN: I introduce the Bill.

Since the last day of the meeting of the Rajya Sabha is day after tomorrow, with your permission, I beg to move:

> "That the Bill to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto, be referred to a Joint

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Committee of the Houses consisting of 45 members, 30 from this House, namely:—

Shri D. P. Yadav, Shri P. Venkatasubbaih, Shri P. V. Reddy, Shri Kamala Prasad, Shri Jagdish Narain Mandal, Shri Amarsinh Chaudhari, Shri R. G. Tiwari, Shri Krishnarao Patil, Shri E. V. Vikhe Patil, Shri K. K. Shetty, Shri Prabodh Chandra, Shri Amarnath Vidyalankar, Shri Chandra Bhal Mani Tewari, Shri Jagdish Chandra Dixit, Dr. Govind Das Richhariya, Shri Sudhakar Pandey, Shrimati Maya Ray, Shrimati Subhadra Joshi, Chaudhry Dalip Singh, Shrimati Mukul Banerji, Shri H. K. L. Bhagat, Shri T. Sohan Lal, Shri Jagadish Bhattacharyya, Shri C. K. Chandrappan, Shri E. R. Krishnan, Shri Virendra Agarwala, Shri Prasanabhai Mehta, Shri R. R. Singh Deo, Shri Frank Anthony, Shri Samar Guha, and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

MR. SPEAKER: The Motion for reference of the Bill to the Joint Committee is before the House.

SHRI SEZHIYAN (Kumbakonam): I do not want the government to take it for granted that whenever they propose to refer a Bill to a Select Committee or Joint Committee they can avoid any discussion in this House. First of all, they should not try to introduce a Bill at the fag end of the session and then plead want of time for avoiding a discussion. I appreciate the sentiment of referring it to a Joint Committee, unlike in the case of the Bills relating to Aligarh University and Delhi University, where also much benefit would have been derived if they were referred to Select Committees. So, while welcoming the move for reference to a Joint Committee, I do not want this reference without discussion to be treated as a precedent. Because, once a Bill comes out of a Joint or Select Committee it is rigid and concrete and it is difficult to make suggestions. Further, the Joint Committee has also to function without knowing the mind of the House. Therefore, I strongly deprecate the practice of referring Bills to the Select Committee without any discussion here. This should not be treated as a precedent.

SHRI SAMAR GUHA (Contai): Regarding the reference of this Bill to a Joint Committee I want to remind you that almost a similar Bill was introduced in this House, when the hon. Shri Chagla was the Education Minister, which was referred to a Joint Committee. That Committee sought the opinion of the teachers in different schools and after much deliberation expressed its view. The whole report of that Joint Committee is with the Government. So, I do not know why this Bill should be sent to the Joint Committee again. It appears as if the Government want to delay the matter at a time when thousands of teachers are holding demonstrations after having a seven-day hunger strike by some of them. That was an almost identical Bill and so I do not understand the necessity of referring this Bill to a Joint Committee unless it is to delay matters. That is the impression getting into the minds of the teachers also and that is why they are making representation after representation that this Bill should be passed as quickly as possible. When a Joint Committee has earlier considered it, what is the necessity of sending it again to another Joint Committee? Therefore, I would suggest that instead of referring it to a Joint Committee, it should be taken into consideration and passed by this House as early as it can.

SHRI H. N. MUKERJEE (Calcutta-North-East): If you would permit, Sir, I would like to stress what Mr. Sezhiyan has said that the Government appears to take the House for granted. I can't understand how my hon. friend, Prof. Hasan, asked this House to refer the Bill to a Joint Committee the principles of which he does not explain before the House. We do not quite know what Government has actually proposed by formulating certain proposals as a means of tentative legislation. We have no explanation of that sort of a thing. A number of hon. Members of this House

[Shri H. N. Mukerjee]

are inveigled into the Joint Committee and because they are inveigled into the picture, he thinks, the things will pass muster.

There is another matter also. When a similar attempt was made, I had pointed out that any reference to a Bill having to pass through the trials and tribulations of the other House is entirely inappropriate, particularly, as a plea for hustling or doing something else to a piece of legislation. What is going to happen or not to happen in the other House is not to be referred in a manner in which it is often referred to in this House. Because they have been able to do something in the other House and, therefore, this House must be hustled in accepting the principle of the Bill is entirely inappropriate. I think, you should uphold the point raised by my hon. friend, Shri Sezhiyan.

श्री आर० वी० बड़े (खरगोन) : अध्यक्ष जी, जो प्रोसीजर माननीय मंत्री जी ने अख्तियार किया है उस की मैं घोर निन्दा करता हूं । इंट्रोडक्शन हुआ और साथ साथ प्रस्ताव रख दिया कि प्रवर समिति को भेज दिया जाय, मैम्बर्स तक को सर्कुलेट नहीं हुआ । कहां जाने वाला है, क्या होने वाला है, कुछ पता नहीं जाने आज जो कार्य-सूची आयी उस में भी कुछ नहीं लिखा हुआ है कि जाने वाला है । साथ ही मंत्री जी ने इस बिल के बारे में कुछ भी नहीं कहा कि इस में क्या क्या खास बातें है । अगर इस तरह की प्रथा यहां चलने लगी तो और विधान सभाओं में भी यही प्रथा शुरू हो जायेगी । तो आप को इस पर रोक लगानी चाहिए । कम से कम मंत्री जी को अपने विचार हाउस के सामने रखने चाहियें । एक दम से सेलेक्ट कमेटी में भेजना ठीक नहीं है, इस वास्ते इस पर आप को रोक लगानी चाहिए ।

SHRI R. V. SWAMINATHAN (Madurai): It appears to be strange the way in which the Government Bills are introduced in the House. According to parliamentary practice, the Minister comes forward with the Bill and explains the provisions of the Bill to get it passed after which follows a discussion on it. In the course of the discussion, the Members may make points or raise objections in regard to certain provisions of the Bill and the Minister, considering all the suggestions from the Members, if he agrees with the Member, comes with the proposal to refer the Bill to the Select Committee. How can the Minister straightway ask the House to refer the Bill to the Joint Committee without any discussion. Without knowing the implications how could we agree? About 30 to 45 Members will be in the Select Committee. There are other Members also who would like to give their views about the Bill. They may not have a chance to express their views in the Joint Committee. Before sending the Bill to the Joint Committee, it should be discussed and the points made by the Members should be considered by the Joint Committee. Therefore, there must be a full-dress discussion before the Bill is referred to a Select Committee. This is the parliamentary practice that I know of. Of course, I may be a new Member to this Parliament. But I have been in the Legislative Assembly and have experience of more than 25 years. This is the practice in small legislatures also. This is my humble submission.

MR. SPEAKER: When you come to me for leave, you think, it is just an ordinary matter. You know how difficult it is. Now, you have to explain the position to Members and satisfy them.

DR. KAILAS (Bombay South): Sir, I am not opposing the reference of the Bill to the Joint Committee. I only submit that there should be a full-fledged discussion. When I heard the names of the Members who have been selected to work on the Joint Committee, I say, there are so many other Members who are educationists and who are not in the Joint Committee and their suggestions would not be available to the Joint Committee. . .

MR. SPEAKER: Are you objecting to the principle or to the names of the Members?

DR. KAILAS: I am not objecting to the names also. I am saying that this Bill should be discussed in the House and then the Minister may propose that the Bill may be referred to the Joint Committee. There should be a discussion on the Bill.

MR. SPEAKER: This being the fag-end of the session, that was the only advisable thing that he could do.

Now, I would like Mr. Yadav to explain to Members and satisfy them. He thinks it is an easy thing for the Speaker to allow it. I leave it to him to satisfy the Members. He thinks it is just an ordinary thing.

You must understand what a difficult task it is. I would request Prof. Nurul Hasan to give a reply over the principle, what is contained in the Bill, so that the members may have an idea of the Bill which you are referring

PROF. S. NURUL HASAN: Very well, Sir.

SHRI K. S. CHAVDA (Patna) : I want to move an amendment regarding the list of members of Select Committee.

MR. SPEAKER: Let him first explain.

SHRI K. NARAYANA RAO (Bobilli): By this, the members are denied the opportunity of moving alternative motions like circulation for eliciting public opinion and so on.

PROF. S. NURUL HASAN: This Bill, as my hon. friend, Shri Samar Guha, has pointed out, has been before the House earlier. The Joint Select Committee went into it and made reports. Then it went to the Metropolitan Council and they made certain suggestions. In the light of those suggestions, after reconsideration, we felt that teachers were making certain demands; some other changes were made and it was felt that, since it was a new piece of enactment, it would be better if a Joint Select Committee of the House were to give its full consideration—because some material changes have been made since the last time. The Select Committee can consider all aspects; it can interview such persons as it likes because it is going to affect the lives of not only young students but also our teachers and, to some extent, of the educationists who have been making attempts to establish educational institutions. Then there was also the problem of the rights which have been guaranteed under article 30, clause 1, of the Constitution regarding religious and linguistic minorities. Therefore, it is only fit and proper that this matter is considered again by a Joint Select Committee.

Now I would like to give to the hon. House a very brief account of the main features of this Bill. This Bill seeks to control, as I have stated in the Objects and Reasons, the private institutions which have been divided into two categories, namely, the recognised institutions, and the recognised and aided institutions. The Delhi education code does exercise control over those institutions which are aided but at the present moment there is no law which empowers the Government to regulate the functioning of unaided but recognised schools. Therefore, the power is sought to be given by this Bill to ensure that the standards are maintained, the minimum qualifications of teachers are maintained, the minimum financial guarantee is maintained, that in the case of aided schools it is possible to take over the administration when there is mismanagement except in the case of minority institutions. About the power of recognition there is also similarly the power of de-recognition which it implies—certain principes have been laid down, objective principes, for recognising. There is a provision for appeal to the relevant bodies. Above all, it seeks to ensure that uniformity in terms and conditions of service of teachers will be maintained. A Tribunal has been provided whereby teachers against whom action has been taken in certain cases will be able to go the Tribunal and make an appeal before the Tribunal.

This is broadly the framework of this Bill. But, quite obviously, there would be comments and since it refers only to the Union Territory of Delhi it would be possible for the Joint Select Committee to invite as witnesses those who may wish to offer comments so that the Joint Select Committee may go into the whole scheme of this Bill and may I add, and I have no doubt, as I have repeatedly stated on earlier occasions, that in educational matters, there is nothing which is final and an improvement is always possible. I would only submit that whenever any new Bill is brought and I am trying to distinguish it from an amending Bill, when any new Bill is brought, it is only fit and proper that it should be fully considered by the Joint Select Committee of the two Houses and obviously, under the normal Rules of Business, even after the report comes, there will be full discussion and no Member is going to be debarred from making amendments or proposing amendments to the specific clauses. But, it is necessary that we try to save time. I have ventured to take this liberty with the House and I would beg of the House to agree to its reference to the Joint Select Committee as this will save the time so that early in the next session this Bill with such changes as may be proposed either in the Select Committee or in the two Houses, can become law before the end of the next session of Parliament.

I accept the amendment moved by my friend—substituting the name of Shri Prasannabhai Mehta by Shri Satyendra Narayan Sinha under serial No. 27.

MR SPEAKER: The question is:

> "That the Bill to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:-
>
> Shri D. P. Yadav, Shri P. Venkatasubbaiah, Shri P. V. Reddy, Shri Kamla Prasad, Shri Jagdish Narain Mandal, Shri

[Mr. Speaker]

Amarsinh Chaudhari, Shri R. G. Tiwari, Shri Krishnarao Patil, Shri E. V. Vikhe Patil, Shri K. K. Shetty, Shri Prabodh Chandra, Shri Amarnath Vidyalankar, Shri Chandra Bhal Mani Tewari, Shri Jagdish Chandra Dixit, Dr. Govind Das Richhariya, Shri Sudhakar Pandey, Shrimati Maya Ray, Shrimati Subhadra Joshi, Chaudhry Dalip Singh, Shrimati Mukul Banerji, Shri H. K. L. Bhagat, Shri T. Sohan Lal, Shri Jagadish Bhattacharyya, Shri C. K. Chandrappan, Shri E. R. Krishnan, Shri Virendra Agarwala, Shri Satyendra Narayan Sinha, Shri R. R. Singh Deo, Shri Frank Anthony, Shri Samar Guha,

and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

12.25 hrs.

FORMER SECRETARY OF STATE SERVICE OFFICERS (CONDITIONS OF SERVICE) BILL—*contd.*

MR. SPEAKER : Mr. Daga to continue.

श्री मूल चन्द डागा (पाली) : अध्यक्ष महोदय, मैं कल कह रहा था 31वें संविधान संशोधन विधेयक के अन्दर आर्टिकल 314 को अमेंड करते समय यह कहा गया था कि :

"Art 314 of the Constitution guarantees to persons who were appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India and who continued to serve after the commencement of the Constitution under the Government of India or of a State the same conditions of service as respects remuneration, leave and pension and the same rights as respects disciplinary matters or rights as similar thereto as changed circumstances may permit, as such persons were entitled to immediately such commencement. The concept of a class of officers with immutable conditions of service is incompatible with the changed social order."

यह आपके आब्जैक्ट्स और रीजन्स थे जब आपने अमेंडमेंट किया, और आप ने आर्टिकल 314 को अमेंड किया। उस के बाद आप ने कल सरदार पटेल के कोटेशन पेश किया और बतलाया कि आई० सी० एस० सर्विसेज को हमें रखना था इसलिये ऐसा व्यवहार करना जरूरी था। मैं ने कल कहा था कि सर्विसेज के मामले में हमारी सरकार कुछ दयालु सी है और अपने कर्तव्य के प्रति सतर्क नहीं है। पंडित जवाहर लाल नेहरू ने उस समय भी इन आई० सी० एस० आफिसर्स के लिए यह कहा था कि :

Of one thing I am quite sure that no new order can be built up in India so long as the spirit of the ICS pervades our administration and our public services. That spirit of authoritarianism is the ally of imperialism and it cannot co-exist with freedom. It will either succeed in crushing freedom or will be swept away itself. Only with one type of State it is likely to fit in, and that is the Fascist type. Therefore, it seems to me quite essential, that the ICS and similar services must disappear completely as such, before we can start real work on a new order.

लेकिन 1972 में आप ने जो भूत पूर्व सेकेट्री आफ स्टेट सेवा अधिकारी (सेवा की शर्तें) विधेयक पेश किया है उस में आप ने कोई खास परिवर्तन नहीं किया है। अखबारों में जो कुछ निकला इस से ऐसा मालूम हुआ कि आप उस में बड़ी रद्दोबदल कर रहे हैं और बहुत बड़ा फर्क पड़ने जा रहा है। आप सर्विसेज की डिग्निटी को कम कर रहे हैं और उन की विशेष सुविधाओं

से वंचित कर रहे हैं, लेकिन सारे विलपढ़ने को के बाद मालूम होता है कि कुछ नहीं किया गया है ।

It is also proposed to make it clear that no former Secretary of State Service Officer shall be entitled or be deemed ever to have been entitled to claim pension in or on terms of sterling or that his pension shall be paid outside India.

और कोई भी परिवर्तन नहीं है इस एक्ट के अन्दर जैसा एक्ट इंडियन सर्विसेज का पहले था वैसा हीं लगभग अभी भी है जो अन्तर था आई० सी० एस० और आई० ए० एस० आफिसर्स के बीच में वह आज भी बना हुआ है आप इन दोनों के बीच में जो डिस्पैरिटी है उस को कम करना चाहते थे लेकिन आपने क्लाज 5 यह किया कि:

Clauses (3) and (4) says that subject to other provisions of the Act 'on and from the appointed day the conditions of service as respects remuneration, leave, pension rights as respects disciplinary matters and conditions of service and rights'. Clause 5 says 'Notwithstanding anything contained in Sec. (3) and (4) an ICS Member of the Indian Administrative Service or an I.P. Member of the Indian Police Service as the case may be, holding a post specified in the schedule or a post declared by the Central Govt. to be equivalent of such post, shall for so long as he holds that post, be entitled to that pay as indicated in the Schedule'.

इस बिल के अनुसार अब भी आई० सी० एस० आफिसर की तन्ख्वाह 4,000 रु० ही रहेगी, ऐडीशनल सेक्रेटरी की 3,500 रु० होगी, ज्वायेंट सेक्रेटरी की 3,000 रु० होगी । इसके अलावा भी यहां तक कह दिया गया कि सरकार जब चाहेगी तब वह किसी भी पोस्ट को इक्विवैलैंट पोस्ट डिक्लेयर कर सकती है ।

A post declared by the Central Government to be equivalent to such a post.

मेरा कहना यह है कि क्लाज 5 रख कर उन्होंने जो क्लाज 3 और 4 रखा है उस का कोई परपज सर्व नहीं होता है । उन के रेम्यूनरेशन के बारे में, उन के राइट्स के बारे में, उन की लीव के बारे में या पेंशन के बारे में जो यह नया बिल पेश किया गया है उस से उन की लीव, उनका रेम्यूनरेशन उनकी पेंशन ज्यों की त्यों रहेगी । क्लाज 5 रखने के बाद आप ने क्लाज, 9 और 11 भी रख दिये । मैं कहना चाहता हूं कि अब तक यही ऐक्ट है आल-इंडिया सर्विसेज ऐक्ट, 1951 जिस में अब तक कोई संशोधन नहीं हुआ है । आल इंडिया सर्विसेज ऐक्ट 1951 में दो या चार क्लाज हैं और सारे रूल्स और रैगुलेशन्स चलते हैं । जो भी स्टेट चाहती है उस तरह के रूल्स और रेगुलेशन्स बनते हैं । आप ने कहा कि 1951 में जो रूल्स और रैगुलेशन्स बनाये गये इंडियन ऐडमिनिस्ट्रेटिव सर्विसेज के लिये वही इन पर लागू होंगे । लेकिन आपने इस बिल के क्लाज 9 और 11 में यह सुविधायें भी दे दी हैं :

"For the purpose of bringing the provisions in any rules and regulations made or deemed to have been made under the All India Services Act, 1951 or any rules, regulations or orders applicable immediately before the appointed day in relation to former Secretary of State Services Officers into accord with the provisions of the Act, the Central Government may, before the expiry of two years from the appointed day by order published in the Official Gazette make such adaptations or modifications of such rules, regulations and orders, whether by way of repeal or amendment or as may be necessary.".

क्लाज 11 में आपने एक नई बात रख दी :

"If any difficulty arises in giving effect to the provisions of this Act, the Central Government may by general or special order published in the Official Gazette for the purpose of removing the difficulty make such provisions not inconsistent with the provisions of this Act as appear to be necessary or expedient.".

क्लाज 11 के अन्दर कोई डैलिगेशन नहीं है

"If there is any difficulty, the Central Government can issue any order in order to remove that difficulty.".

इस तरह से क्लाज 9 और 11 तथा क्लाज 5 और 6 को रखने के बाद आप यह चाहते हैं कि आई० सी० एस० आफिसर्स की जो सुवि-

(श्री मूल चन्द डागा)

धायें हैं, प्रिविलेजेज हैं उन में कोई केटलमेंट न हो। हां, केवल एक बात की गई है कि जो पेंशन है वह स्टर्लिंग में नहीं मिलेगी। इस के अलावा कोई और बात इस बिल में नहीं की गई है। आज कल जो कानून हमारे यहां बन रहे हैं उन की मंशा यह नहीं हुआ करती। आज कल जो कानून बनते हैं वह आज के जमाने के अनुसार और आज की स्थिति जिस बात की मांग करती है उस के अनुसार बनते हैं। इसके लिये मैं जूरिस्ट्स के इंटरनैशनल कमिशन के क्या विचार हैं वह आपके सामने रखना चाहता हूं :

"When the International Commission of Jurists met at Delhi in 1959, they agreed on the declaration that the intention was undoubtedly to make it clear that the rule of law is not tied to any nineteenth century *laissez-faire*, theory of proper rule by the State, particularly in regard to making social and cultural matters, but on the contrary that of the rule of law, far from being opposed to the welfare State is an essential instrument of its purposes.".

आज कल जो कानून बनते हैं उन को देश की हालत को देखते हुए और जो हम समाजवाद की नीति में विश्वास करते हैं उस के अनुसार बनने चाहिये। लेकिन इतने साल बाद हमने आई० सी० एस० आफिसर्स के बारे में कह दिया कि हम उनकी पावर्स में कोई कमी नहीं करते। न पे में, न लीव में। केवल एक बात कह दी कि उनकी कंडिशन्स में हम जब चाहें अमेंडमेंट कर सकते हैं। इस के अलावा हम जो पावर्स डेलिगेट करते हैं वह भी क्लाज 9 और 11 में नहीं हो सकता। इसमें कोई स्पैसिफिक क्लाज इसके लिये नहीं रखा गया है।

This was the opinion of the committee:

"We doubt whether Parliament itself has fully realised how extensive the practice of delegation has become and the extent to which it has surrendered its own functions in the process and how easily the practice might be abused.".

कोई भी पावर आपके एक्ट में नहीं है यह जो बल है।

"The Former Secretary of State Services Officers Bill, 1972.".

यह आज के जमाने के अनुसार बिल्कुल नहीं है। केवल आपने एमेंडमेंट कर दिया है कि स्टर्लिंग में पेमेंट नहीं होगा। इसके अलावा आई० सी० एस० आफिसर्स की जो सुविधायें हैं वे कायम रहेंगी, जो लाभ उनको मिल रहे हैं, मिलते रहेंगे।

SHRI C. C. DESAI (Sabarkantha): Mr. Speaker, it is the right of a Senior member of a family to deliver what is known as the funeral oration. As the seniormost ex-ICS member of this House, I propose to perform this painful duty. To allay any flutter in the House, I would say straightway that I have not got up to oppose the passage of this Bill. If you want, I am even prepared to cast my vote in favour of the Bill. But the indecent haste with which the constitutional amendment was rushed in both Houses pertaining to the so-called privileges of the ICS and that with which the substantive Bill is being rushed through now makes me somewhat sad.

The number of ICS officers has dwindled considerably and we would have seen the last of them by 1977 at the latest. No ICS officer has exercised a privilege which may even remotely be said to be detrimental to public policy or in conflict with the self-respect of the nation during the past 25 years of the post-independence era. The record of the ICS has been worthy of the highest praise, judging from the speeches made by our leaders like the late Prime Minister, Jawaharlal Nehru, and the late Deputy Prime Minister, Sardar Vallabhbhai Patel and the present Prime Minister, Shrimati Indira Gandhi.

There may have been a case where some member of the ICS may have pressed the privilege of obtaining pension in pounds sterling, but he has not won in the Supreme Court, and therefore it cannot be said that the privilege has been exercised contrary to public policy. With all that, if Government want to abolish the privileges of the ICS, I can have no objection. All I want to say on this occasion is that you may abolish the so-called privileges of the ICS, but you cannot abolish the brains of the ICS; you may take away their pension, if you like, but you cannot take away their capacity to live and to earn; you may retire them earlier and you will be sorry for it later; you may cut short their leave, but no ICS officer has been known to take leave at the cost of his work. Ministers may wax eloquent against the ICS on the floor of

this House, but they are known to eat from their hands in the closed cabins of the Secretariat.

SHRI INDRAJIT GUPTA: This is the truest thing.

SHRI C. C. DESAI: I know of many men who criticise them in public and cringe before them in private. This is obviously a case, if I may say so, of legislation in haste and repentence at laisure. When the history of this country comes to be written, the ICS will find a place of honour therein. When the history of the ICS is written, I have no doubt—I am proud to say so—it will be recorded in letters of gold.

There may have been a black sheep here and there. But by and large—I repeat, by and large—it has been a service known for its integrity, known for its devotion to duty, known for its independent expression of views, known for its fearlessness in the matter of giving advice to Ministers, known for its high efficiency and known also for its unquestioned loyalty to the government of the day. The much-maligned ICS has been the finest instrument of public administration that the world has ever seen, and this country, being its thome, has every reason to be proud of this record.

Before I close, I would say that the ICS is dead, but the memory of the ICS will live for ever. Every member of the ICS has every reason to be proud of the service to he has belonged and the high record of its service to the nation. The body of the ICS may be consigned to the ashes, but the soul of the ICS shall burn for ever.

I am not going into the merits of the different provisions of the Bill. I could do so, but, as my hon. friend Shri Daga said just now, there have been several changes in the terms and conditions of the service. But that is not my intention at this moment. I am merely saying that the way in which this Bill has been rushed has been not fair to the services whose brains have been used to draft this Bill and who have been used to prepare this Bill for Parliament. You may pass this Bill but, as I said before, the ICS will live for ever.

MR. SPEAKER: I think the second ICS gentleman also may add his views. Shri H. M. Patel.

SHRI H. M. PATEL (Dhandhuka): Sir, I wish to make a few observations on this Bill, not so much with reference to the ICS as such. . .

MR. SPEAKER: Not a funeral oration but a speech.

SHRI H. M. PATEL: Not a funeral oration—but merely to say that the Government would do well go into this question of services or the organisation of the services more thoroughly and in a more comprehensive manner. It is not enough just to take away certain privileges, etc., of a major service, and think that you have done your task. You are taking away those privileges may be because you feel this is a socialistic age and there should not be any privileges. But I think what is important in a democracy, and above all, in a welfare State, is that you should have an efficient civil service, an efficient civil service which is capable of giving not loyal service but an independent service. At a certain level, the level at which the ICS officers were functioning, it was expected of them to give independent, fearless advice. I hope that that same spirit will continue.

But how can it continue? Only if you really call a halt to this continuous sniping at the civil service day in and day out. There is no attempt even to consider who is at fault. It is almost always assumed, whenever anything goes wrong, that it is the civil service, it is the bureaucracy which is at fault. Almost every party seems to think that that is a good thing to do. Undoubtedly, democracy in a welfare State has to run with a bureaucracy. There is nothing wrong in a bureaucracy. You can not run an administration without a bureaucracy. Bureaucracy is an essential instrument for a democracy. Therefore, I say that this kind of denigration of the civil services should stop, because otherwise, you will not have the kind of efficient civil service that is absolutely essential for the satisfactory functioning of the Government.

Why is it that so many of the projects of Government are going wrong today? They may be all right on paper. But it is at the implementation stage that they go wrong. I would like to make some observations regarding the numerous services that are in existence today. There are something like 40 Central services, besides the IAS and the Indian Audit and Accounts Service. It is interesting to see that except in regard to the IAS and possibly the IPS, the other services have not been drawn up from a career point of view. You have, for instance, today the head of the Geological Service—the only senior post in that service—whose pay is Rs. 2,500, I think. Yet it would be admitted that the geological service has a very vital role to play in our future development. It is desirable that you recruit to this service able and efficient men. But you will attract such men only if you give them the prospect of a

[Shri H. M. Patel]

proper, satisfactory career. You have in the Central services, medical service, Cental engineers service, etc. People in such services have nothing to hope for than perhaps Rs. 1300 at the end of 20 years service. Is that the kind of pay structure which will enable you to get a satisfied service? They may come in this service because there is nowhere else for them to go.

Take for instance an officer who enters the Central Health Service. It will take 20 or perhaps 25 years for him to come into the grade of 1300—1800 whereas an IAS officer gets this grade in perhaps 8 or 9 years. I do not suggest that there is anything wrong with the pay structure of the IAS but I do suggest that something needs to be done about the pay structures of other services.

Similarly, see the engineers in the Central Water and Power Commission. You have first class engineers who even after 20 years of service do not got into the 1300—1800 grade. Do we want really first class engineers to get into that service. If you need them and if you want to have them satisfied and not look for outside sources of income, I think it is desirable that you give some more and urgent thought to the pay structure for these services.

I shall not go into the position in other services. One could refer to the Central statistical service. It is the same thing. I do not want to multiply these examples. But I should urge upon the Government that it is very necessary for them to look at the structure of these services in a comprehensive manner and see to it that all the services do have proper career prospects.

Even in regard to the IAS, there is a certain carelessness in the way in which the IAS service is organised. When the IAS was organised there was hope that it would be brought up in the same way as the ICS, partly. It was felt that they would have considerable district experience, considerable field experience which would be of value when they go to the Secretariat in the States and later when they come to the Government of India. Today hardly any IAS officer works in the districts for more than a couple of years. That is not satisfactory, either from his point of view or from the point of view of the country. it is very necessary for him to have, for the kind of the work he is going to be called upon to do later, a somewhat longer spell in the districts because it is at the district level that he really learns what obstacles there are to be overcome or hurdles to be removed and so on. This is all I would once again like to urge or impress on the Government: do not rest satisfied with the abolition of the ICS which of course had been abolished already, look to the satisfactory career planning in all other services. What they call privileges were nothing more than certain conditions of service, which had been assured to them as part of the agreement with the British Government with whom these officers were covenanted. In fact, the conditions of service of the IAS today are hardly less satisfactory than those conditions. Indeed, the conditions of service should always be satisfactory. They merely give a certain sense of security to those serving in the IAS and other services. That sense of security should be available to all the services, whichever they are.

Finally, I would reiterate that if you want the services to give good service, if you want to give them a certain sense of security and a feeling that they are wanted, it is very necessary that Government makes up its mind to stand up for them and prevent their being sniped at in season and out of season. If they are at fault, by all means there is a machinery for enquiring into their activities. But let them not be sniped at by persons who have no knowledge or no full knowledge, who may have heard of something that has gone wrong. This, I think, is a very necessary piece of advice which I think I am entitled to give.

SHRI INDRAJIT GUPTA (Alipore): Sir, my friend, Mr C. C. Desai, has let the cat out of the bag. I will leave it to Mr. Pant to reply to him when he charges the Government, quite rightly in my opinion, with putting up a brave front against the ICS in public and cringing to them in private. I have some things to say which may be taken only as a sort of political speech, but though I do not belong myself to the family. . .

SHRI C. C. DESAI: You belong to that family.

SHRI INDRAJIT GUPTA: I was going to say, though I myself do not belong to the family. I come from a family in which there have been a good number of people who were very proud of belonging to this steel frame of the British administration. I have got nothing personal against any individual member of the ICS, but I would like to know from Government what exactly is their purpose in bringing this particular Bill. After all, it is not something which involves a very large amount of money. There are a very few officers left and in the normal course, they would all be retired within a few years. Why so much hubb is being created about doing away with their privileges, when in fact we find that the Bill does nothing of the sort? I.

do not know why Mr. Desai is talking of funeral orations. As Mr. Daga rightly pointed out, nothing is being done away with. The only privilege that is being done away with is to claim pension in sterling. Otherwise, everything is preserved lock, stock and barrel. Every possible loophole has been provided.

13 hrs.

SHRI C. C. DESAI: The pension is fixed at Rs. 13,000 a year.

SHRI INDRAJIT GUPTA: Shri Desai is saying that pension is confined only to Rs. 13,000. A very painful thing, at least in the 25th year of our independence. This country in its wisdom, after 25 years, decided only the other day to sanction a pension of Rs. 200 per month to freedom fighters. Within fifteen days of that, a Bill is brought here guaranteeing the old pension of Rs. 13,000 a year for these few gentlemen of the ICS. I do not understand what is the outlook of the government. If you are not serious about doing away with privileges, do not bring the Bill; I can understand that. Say that these few people should be allowed to continue so long as they are in service and let them enjoy their privileges and so on. But here is a great, big propaganda machine let loose that we were doing away with some terrific privileges.

If you read the provisions of the Bill, nothing of the kind is there. Shri Chatterjee and Shri Daga have correctly pointed them out and I do not wish to labour that point. But I will just remind the House that in clause 6 of this Bill ample scope has been provided whereby even after this Bill is passed in both Houses, before it comes into force on the appointed day, extension of service can be given to any of the existing ICS officers. So that, when it comes into operation it will not apply to all those who have reached the age of 58 years, because that proviso has been put in here. Under that proviso, the service of any of them can be extended before the appointed date on which the Bill will come into force.

Secondly, in clause 6(a)(i) the language is so clumsy and cumbrous—I hope he will clarify it when he replies—I cannot understand the meaning; it looks to me as if there is some camouflage whereby a further grace period of six months is being given to all these officers, even though they have attained the age of 58. They can carry on for another six months after attaining the age of 58 years also. If that is the meaning of this clause, I would seek a clarification from him as to why this is being done. Why cannot a straightforward provision be made that anybody who attains the age of 58 will be compulsorily retired? Of course, you can have a period of notice; three months' notice can be given to those who have reached the age of 58. But why not state clearly that they will be compulsorily retired at the age of 58 instead of all these camouflages, subterfuges and loopholes being provided here?

Secondly, as regards emoluments the Statement of Objects and Reasons says:

> "It is proposed to continue the existing terms since the Government do not as a matter of policy favour adverse changes in the conditions of service of Government servants as respects pay and pensions during their service."

Then, what about this discrimination between the ICS and the IAS, which is causing so much heart-burning and so much feeling of grievance among the IAS officers, which is precisely what promoted many people to make this suggestion for the abolition of these privileges? But here the Statement of Objects and Reasons says that the Government as a matter of policy does not want to make any adverse change in the conditions of service of these ICS officers as respects pay and pension during their service. What is the meaning of this? We are only concerned with them during their service; we are not concerned with them after that. It is their pay and pensions we are concerned with in this case.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): Pension comes afterwards.

SHRI INDRAJIT GUPTA: You are preserving that also. I do not suggest for a moment that nobody should have his existing salary or, if he has already retired, his existing pension, and that it should be cut immediately. I am not advocating any such thing. Let them continue to get it. But, suppose an ICS Joint Secretary is promoted as Secretary. Why should he not get the salary which an IAS Joint Secretary will get when he is promoted as Secretary? For the present, if he is in the post of a Joint Secretary, let him get the salary he is getting. Tomorrow, if he is promoted to the post of Secretary, according to this Bill, he will get Rs. 4,000 as an ICS Secretary should get. My suggestion is, no, tomorrow, if he is promoted, he should be entitled to that salary which an IAS officer when he becomes Secretary is entitled to. Not more than that. The difference is not much. The difference is Rs. 500. It is not a question of money. It is a question of the principle behind it. In service, let him get the pay he is drawing at the moment. Tomorrow, if he retires, let him get the pension which an IAS gets on retirement. Why should he get a guaranteed pension

[Shri Indrajit Gupta]

of Rs. 13,000 a year? If you do not do that, why are you talking about removal of privileges?

In that case, I can understand Mr. Patel's argument that unless you maintain all these emoluments and pensions, and so on, you cannot get the right class of officers and that, you must pay them well so that they work well. I do not know whether that is the reasoning of the Government also. But certainly, I think, this Bill has been very ill-timed also in the sense that the people of this country will see that freedom fighters who are recognised after 25 years of independence and are now given Rs. 200 as pension and, at the same time, on the occasion of the silver jubilee of independence, this Bill is brought here guaranteeing these few ICS officers will continue to get a pension of Rs. 13,000 per year.

They say, they have rendered great service to the country and so on. Many of them may have, I do not doubt, as administrators rendered great service. But are their services to be put on a higher plane than the services rendered by freedom fighters who gave all for their country? These freedom fighters are now rewarded with a pension of Rs. 200. I am not saying that they should be given the same. But there is no proper proportion. What will be the outlook?

This steel-frame has really put our Ministers, our Government, also in a psychological straight-jacket and they are mesmerised by these ICS people. Otherwise, we would not have witnessed the spectacle at the function at *Diwan-I-Aam* on the 15th August when *Tamra Patras* were being given to freedom fighters. There was a gentleman standing at the mike, making announcements and calling on the freedom fighters from each State to stand up in their places and to come and receive Tamra Patras. The gentleman who was selected to do that job on that day was a member of the holy family of ICS, the Secretary of the Home Ministry, Mr. Govind Narain. They could not think of finding anybody else. I think, probably, none of those freedom fighters recognised him or knew him as to who he was. Otherwise, I do not doubt the fact that some of them might have taken it very badly. These people had given all their lives fighting against British imperialism for freedom of the country. They were at *Diwan-I-Aam* to give them *Tamra Patras* and they could not find anybody else other than Mr. Govind Narain, ICS, to stand before the mike and give instructions to them. "Stand up in your seats; now advance and receive your Tamra Patras and all that."

I am told, in many States also, when similar functions are being organised with the District Magistrate performing the role which was performed here by Mr. Govind Narain, some old freedom fighters have refused to participate in this kind of function. Somebody else could easily have been selected for it. But it does not occur to our Government because they are mesmerised, hypnotised, by the influence of ICS people. I know what I am talking about because my grand-father, my three maternal uncles and my elder brother are all members of this holy family . . . .

SHRI K. C. PANT: You escaped being mesmerised by them.

SHRI INDRAJIT GUPTA: I escaped narrowly.

Then, a reference has been made to the Scheduled in which these four posts have been guaranteed scales of pay. Where is the removal of privileges? I do not understand. If we are trying to bring about administrative services on par, I do not understand all this. You have argued whether they are adequately paid or not, whether you could attract the right type of people or not. But at least there should not be discrimination of this type between them. That does not make for good administration. It is causing all sorts of problems.

Here is another provision which, of course, I welcome on paper, but my complaint is that it is never implemented. Clause 6(b) says:

> "the Central Government shall have and shall be deemed always to have had the power to require an I.C.S. member of the Indian Administrative Service or an I.P. member of the Indian Police Service, in consultation with the Government of the State on whose cadre he is borne....." etc., etc.

To do what?

> "... to retire in public interest from service on the date on which such member completes thirty years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice;"

That is very good—if necessary, he should be asked to retire in public interest. But I would like to know whether this power has ever been used. He may tell us that it may be used in future. Here it says that this power has always been held by the Central Government. I would like to know from him—he may please tell us when he replies—the name of one, single, ICS officer who has been asked to retire in public interest before he reached his retirement age.

Mr. Desai waxed eloquent about the high standards, the brains and so on of the ICS cadre. I do not know what sort of record every one of them had in the old days of British. They can say that they had to serve the Government which was employing them. But this much I do know that in those days at least there was some reputation of this service for personal integrity. In the old days nobody could think of alleging that an ICS officer had stooped down to things like corruption or other undesirable methods. A certain standard of personal integrity was observed, whatever their outlook might have been on the problems of the nation's independence and so on. But it is a regretable fact - I have to say this—that those standards do not exist any more; may be, along with everything else whose standards have deteriorated in this country, the standards of the ICS have also deteriorated. And today I would like to know, when so many cases have been brought to the notice of this House in which high ICS officers are involved—I am not going to name any of them; I will refer to one or two of these—in which these high officers had been given the responsibility of negotiating contracts worth crores of rupees with foreigners for various development projects and so on in our country and which have led to huge scandals, whether any action has been taken against any ICS officer. How can it be taken when Mr. Desai says that you talk about them bravely in public but in private you cringe before them, you to not have the courage to do? He is saying, the senior most member of ICS is saying this; I am not saying; he is making that admission.

Take, for instance, the pipeline inquiry which is going on before the Takru Commission. Every day public allegations are made that they are refusing to produce records before the Commission: ICS officers are involved; I do not want to name them; Secretaries of Ministries are involved who are members of ICS . . .

AN HON. MEMBER : With the orders of their Ministers.

SHRI INDRAJIT GUPTA: May be; it is for the Minister to say. This wonderful cross-bar telephone equipment, the cross-bar equipment which has been installed - the Minister on the floor of the House has admitted—is grossly defective. Please find out how this deal was negotiated, who was the ICS officer who was involved. Please find out who negotiated the contracts with G.E.C. and Beetels for the atomic power plant at Tarapur and all the things which have come to light subsequently about them. You will remember, Sir, the motion of privilege which I had raised, which you were kind enough to send to the Privileges Committee, which is still pending before them, about those remarks made before the Takru Commission—disparaging remarks as I consider them—about the observations of the Public Undertakings Committee in its 66th Report.

That brief given to that Counsel who made those disparaging remarks who appeared before the Takru Commission, tried to belittle the finding of the Public Undertakings Committee, that this is nothing, this is an emotional feeling they have expressed which should not be taken seriously. The gentleman who is active behind that whole thing is the Secretary of that Ministry who belongs to this holy family. Has any action been taken? Departmental findings are on record about these people, but nothing is done and nothing will be done. I know nothing will be done. They enjoy the privilege. Once they have retired from service, you cannot take any disciplinary action against him for any offence he might have committed while in service. This was the biggest privilege they enjoy. Many of them are trying to run away and escape because of this loophole. But I do not find anything about that in this Bill. I do not find it. You please point it out and assure us. I remember one gentleman whom I am sure Mr. Desai used to know—I can name him because he is not in this country any more—Mr. Bam had managed to retire just in time and left this country and got away and got a job in some foreign agency abroad. If he had remained in this country, most serious charges were pending against him. But, perhaps, as he had retired, nothing could have been taken against him and you would not be able to touch him even.

This is the type of privileges they have. These privileges give them the power which they have wielded behind the scenes both at the time of the British and, regrettably, after the Independence also.

Therefore, it is not the quantitative aspect of this Bill that we are worried about, as to what is the number of officers, how much money is involved, etc. etc. Those are petty things. The main point was the spirit behind this and the Government had proclaimed that they were going to take such a big step in keeping with all their new professions and socialist professions and so on and, therefore, they wanted to do away with this privileged class of officers. But in each and every provision of the Bill you will find nothing has been taken away, only they can longer claim their pension in sterling abroad. Everything else is preserved intact.

[Shri Indrajit Gupta]

Therefore, all I wish to say in conclusion is that we are always supporting the proclaimed principle behind this Bill but when it has come before us in black and white, it has turned out to be an anticlimax. The Government has retreated. It is a case of one step forward and two steps backward.

When it is the time to make an annoucement, they make one step forward and when it is the time to implement it, they take two steps backwards. And that is only for this reason which has been stated here by my good friend, Mr. Desai, nothing else, that Ministers, he says, are completely dependent on their ICS Secretaries. They cannot do anything without them. They are dictated to by them.

They cringe before them. They have got an inferiority complex before them and my friend, Mr. Desai, quite justifiably from his point of view, has rubbed it in saying, 'You can do away with us. But, where will you find people with brains like ours? Where will you find people with capacity like ours?'. This kind of psychological atmosphere is over awing the Ministers here and in the States also we have a similar experience and, therefore, this Bill, I am afraid . . .

I know, I am irritating the Minister a bit.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): I said he is not challenging . . .

(*Interruptions*)

SHRI INDRAJIT GUPTA: He cannot shut me out. What do you mean by that he is allowing me to speak. He cannot shut me out. Only the Speaker can shut me out . . . (*Interruptions*).

I may say you do not agree. How can you agree? How can you agree publicly?

SHRI RAJ BAHADUR: We dispute it. We challenge it.

SHRI INDRAJIT GUPTA: Sir, any way, we are very sorry really at the shape of the Bill. A very good principle has been announced and put forward, but it is being scuttled in the provisions of the Bill itself and that is all I would like to say.

RE. BUSINESS OF THE HOUSE—*contd.*

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): May I just say this is the wish of our friends from the Scheduled Castes and Scheduled Tribes also—that in view of the fact that the implementation report has also got to be obtained and another report may also be expected, that item may be taken in the first week of the next session. That is their unanimous wish and I would request you to kindly accept it.

MR. SPEAKER: Please do remember it.

SHRI RAJ BAHADUR: But you know also, Sir, I am always expected to take the entire thing on my own. Therefore, I was suggesting that certain items in the List of Business tabled yesterday—I am referring particularly Mr. Chandrappan's half-an-hour discussion on the voting age to be reduced from 21 to 18, that was in today. As for yesterday's List of Business which we may take up the second motion on the Direct Taxes Enquiry Committee's report, that we may take up on Monday because Mr. Ganesh is not here unfortunately.

SHRI JYOTIRMOY BOSU: (Diamond Harbour): Mr. Chavan is here . . .

SHRI RAJ BAHADUR: May I make a submission? Another demand was made which was of course not on the list of business; we had to accept it. (*Interruption*) . . . Just a minute more please. Another demand was from Mr. Samar Guha that we should discuss the Indo-Pak communique. That can be taken after the Half-an-Hour discussion.

MR. SPEAKER: After the Bill is finished . . .

SHRI RAJ BAHADUR: Yes, after the Bill is finished. There is this Half-an-hour discussion and then discussion on Indo-Pak Communique.

SHRI SHYAMANANDAN MISHRA (Begusarai): Why not take it over till the next day?

SHRI RAJ BAHADUR: On Monday we shall have two motions. We have got time available today. One thing more. We were being asked whether we can accept a discussion on the Indo-Pak Communique. The External Affairs Ministry is agreeable so that the hon. Minister will be here in time today.

MR. SPEAKER: That can be there, but what about the previous one?

SHRI RAJ BAHADUR: That was on the Agenda, Mr. Chandrappan's Half-an-hour discussion. The second one was Mr. Jyotiromy Bosu's discussion on Direct Taxes Committee Report, and then there was the discussion on F.C.I. Now, Sir, F.C.I. discussion and Direct Taxes Committee discussion can be put on Monday.

SHRI INDRAJIT GUPTA (Alipore): Mr. Chavan is available; we can have Mr. Bosu's motion today . . .

SHRI JYOTIRMOY BOSU: This is such a serious matter that we want to make a submission. (*Interruption*) Mr. Raj Bahadur, kindly sit down; since it involves me, may I make a submission to you?

MR. SPEAKER: Everything involves you; I know that.

SHRI JYOTIRMOY BOSU: As long as you will remain in the Chair, I will have the privilege of involving myself with everything that is going on. We had complained in the House that for such a subject the Cabinet Minister is not coming and facing the House. Today, Mr. Ganesh has gone to attend a peace council meeting in Madras; let him have a good journey and good time. That is a different issue. Mr. Chavan is very much in Delhi. That gives me an impression, being a political feature, that Mrs. Indira Gandhi does not trust Mr. Chavan to face the issue. When a Cabinet Minister is in town, why should we wait for the Minister of State to come and reply?

SHRI RAJ BAHADUR: What he says is thoroughly unfounded.

MR. SPEAKER: So, after the Bill is over, this is what we are going to do. For the present, we will adjourn for lunch. Of course, we decided not to adjourn, but that was till yesterday. Now, today, we can adjourn for lunch and then later on we will resume the discussion on this Bill, finish this Bill, then take up Mr. Chandrappan's subject, and then, later on, the discussion on Indo-Pak relations.

SHRI SHYAMANANDAN MISHRA: How much time is taken up by this Bill? Much would depend upon that.

MR. SPEAKER: I thought it would have been finished by now.

SHRI JYOTIRMOY BOSU: I wanted to speak on third reading. What can I do, Sir? Let me go . . .

MR. SPEAKER: It is all right; we adjourn for lunch to reassemble at 2-30 P.M.

13.25 hrs.

The Lok Sabha adjourned for lunch till thirty minutes past fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at thirty-two minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair.*]

FORMER SECRETARY OF STATE SERVICE OFFICERS (CONDITIONS OF SERVICE) BILL—*contd.*

MR. DEPUTY-SPEAKER: Now, Shri E. R. Krishnan.

श्री झारखन्डे राय : (घोसी) : उपाध्यक्ष जी, मैं आपके द्वारा सरकार का ध्यान एक समस्या की ओर आकर्षित करना चाहता हूं कि नैनी इलाहाबाद, उत्तर प्रदेश में त्रिवेणी इंजीनियरिंग, वर्क्स के 600 मजदूर वहां लौक आउट की वजह से 60 दिन से बेकार हैं और भूखों मर रहे हैं। मैं चाहता हूं कि सरकार और श्रम मंत्री जी उधर ध्यान दें और कोई न कोई फैक्टरी को चालू कराने के लिये कार्यवाही करें और मजदूरों और उनके परिवार को भूखों मरने से बचावें।

*SHRI E. R. KHISHNAN (Salem): Hon. Mr. Deputy Speaker, on behalf of my party, the Dravida Munnetra Kazhagam, I would like to say a few words on The Former Secretary of State Service Officers (Conditions of Service) Bill, 1972, introduced by Shri K. C. Pant.

While welcoming the spirit behind this Bill, I would like to point out that the provisions of the Bill do not reflect the spirit underlying this measure. This Bill abolishing the special privileges of the I.C.S. Officers has been brought before this House twenty-five years after Independence and after the Members of five Lok Sabhas had been persistently and repeatedly demanding such a legislative measure. In the last Lok Sabha Shri Madhu Limaye introduced a similar Bill and after that the Central Government woke up to the situation.

This Bill is in fact the consequence of the Constitution (Twenty-eighth) Amendment Act. The hon. Minister himself has stated that this is only a small beginning in the process of establishing an egalitarian society in our country. I am realy surprised that the Central Government have taken 25 years to make this small beginning. If the Central Government move at this pace, I feel that they may take another century to implement policies and programmes, which require stupendous efforts, for establishing socialistic society in our country.

When I read the Statement of Objects and Reasons of this Bill, I felt that this Bill also is a half-hearted measure. It is stated there that in respect of certain aspects relating to remuneration and pension, it is proposed to continue the existing terms since Government do not, as a matter of policy, favour adverse changes in the

*The original speech was delivered in Tamil.

[Shri E. R. Krishnan]

conditions of service of Government servants as respects pay and pension during their service. I do not understand the apprehension on the part of the Central Government in this regard. I think that with such reservations the Government need not have brought this measure at all. Even without this Bill, all the I.C.S. Officers would be retiring by 1977. The Government have stated that number of such Officers who may continue in service beyond the date of retirement under the existing rules and regulations is not more than seven and the maximum period of service may be upto six months. The additional expenditure likely to be incurred on this score is not to exceed Rs. 15,000. The only salutory provision in this Bill is nonpayment of pension in terms of sterling.

I am constrained to say that this Bill will only give propaganda value for the ruling part. It is just show-piece legislation to serve the ends of the ruling party. Before the General Elections, the ruling party gave an assurance to the people that the Government will take steps to abolish all kinds of special privileges enjoyed by certain sections of the society. Arguing that the Government are endeavouring to fulfil the commitment given to the people of the country, this half-hearted measure has been introduced. I will substantiate my points by referring to certain provisions in the Bill itself which do not fulfil the expectations of the people.

Sir I think I will not be wrong if I say that about 100 I.C.S. Officers remain and they will be retiring by 1977. In clauses 3 and 4 of this Bill, certain special privileges enjoyed by them are sought to be abolished. But, in clause 5 exemption from the operation of these clauses has been given to 10 Officers, whose designations have been mentioned in the Schedule. It does not end here. Even in respect of the remaining 90 I.C.S. Officers, under Clause 6 the Central Government have got discretionary powers to extend the services of these Officers before the date from which this Bill becomes effective. According to clause 7, the pension being to the I.C.S. officers is different from that given to the I.A.S. Officers.

As I pointed out earlier, this Bill may help the Central Government in consoling themselves that they have implemented the assurance given to the people of the country at the time of General Elections. Otherwise, this Bill does not serve the purpose for which it has been brought.

Since the spirit underlying this Bill is commendable I extend my welcome to this Bill.

With these words, I conclude.

श्री राम रतन शर्मा (बांदा) : उपाध्यक्ष जी, प्रस्तुत विधेयक प्रधान मंत्री जी के जनता में दिये हुए भाषणों, राष्ट्रपति के दोनों सदनों के सम्बोधनों और कांग्रेस के चुनाव घोषणा-पत्र, चौथी पंचवर्षीय योजना और सेन्ट्रल सेक्रेटरियेट की स्टाफिंग के विषय में 1957 में कैबिनेट रिज़ोल्यूशन की भावना के विरुद्ध है। जो उद्देश्य और कारण इस बिल के लाने में दिये गये हैं उस से यह स्पष्ट हो जाता है कि सरकार कोई विशेष परिवर्तन नहीं करना चाहती, और कोई भी प्रिविलेज वह आई० सी० एस० के हों या किसी भी प्रकार के आई० सी० एस० अधिकारियों के हों, उन को समाप्त नहीं करना चाहती।

मैं आपका ध्यान एम्स और ऑबजैक्ट्स की ओर आकर्षित करना चाहूंगा। इसमें कहा गया है, मैं कुछ छोड़कर पढ़ रहा हूं :

> "Some of these conditions of service are more favourable than those admissible to other Government servants and and these have been continued in view of the guarantees contained in art. 314 of the Constitution as originally enacted. Consequent on the omission of art. 314 of the Constitution, it is now considered necessary to bring the conditions of service of the aforesaid officers on par with those of other officers of corresponding services and expressly to make the provisions as to premature retirement applicable to the aforesaid officers restrospectively. However, in respect of certain aspects relating to remuneration and pension, it is proposed to continue the existing terms ince Government do not, as a matter of policy, favour adverse changes in the conditions of service of government servants as respects pay and pension during their service".

केवल जो चेंज किया गया है वह

"in terms of sterling
or that his pension shall be paid outside India."

इसमें जो कुछ चेंज किया गया है और जैसी कि पहले की टर्मिनोलाजी आर्टिकल 314 में थी

वही टर्मिनोलाजी आप ने इस इनैक्टमेंट में क्लाज़ेज (3) और (4) में भी रखी है :

"... conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or rights similar thereto as changed circumstances" etc., etc.

जरा सा इसको आप देखें, बिल के क्लोज़ेज (3) और (4) को देखें :

"Subject to other provisions of this Act, on and from the appointed day, the conditions of service as respects remuneration, leave and pension; the rights as respects disciplinary matters; and the conditions of service and the rights as respects all other matters, . . ."

ज्यों के त्यों उधर के प्रौवीजन्स इधर ले आये हैं। किस तरह से आप इन प्रिविलेज़ेज को खत्म करते हैं ? केवल स्टर्लिंग की बात को छोड़ दिया जाय तो कोई इस बिल में नयी बात नहीं है। जैसा कि एक माननीय सदस्य कह रहे थे कि जनता को धोखा देने के लिये, गुमराह करने के लिये आप यह बिल लाये हैं, इस के कोई ठोस परिणाम जनता के सामने नहीं आ रहे हैं।

अप्रैल, 1969 में ए० आर० सी० की रिपोर्ट आई। तीन वर्ष से अधिक समय हो गया। सरकार ने उस पर अपना कोई निर्णय नहीं दिया। समाचार पत्रों के द्वारा अब यह विदित हुआ है कि आई० ए० एस० अधिकारियों के दबाव पर उपरोक्त रिपोर्ट दबाई जा रही है।

अब आई० सी० एस० के स्थान पर नई आई० ए० एस० ब्यूरोक्रेसी अपना स्थान ग्रहण कर रही है और धीरे धीरे हर सर्विस पर, चाहे टैकनिकल हो या चाहे कैसी भी हो आई० ए० एस० अधिकारी स्थान जमाते जा रहे हैं। बड़े आश्चर्य की बात है कि जो मध्यम श्रेणी के छात्र थे, जो आर्टस साइड के छात्र थे, वही आई० ए० एस० में आते हैं। एम० ए० करने के बाद, ला करने के बाद दो तीन साल वह कम्पीट करते हैं और आई० ए० एस० में आ जाते हैं। जो टाप रहे हैं.

MR. DEPUTY-SPEAKER: What has this got to do with this Bill?

श्री राम रतन शर्मा I want to say that this is nothing but a bureaucratic show which the Government want to make by this Bill.

मैं यह कह रहा था कि इस प्रकार जो हमारी आई० एस० एस० की ब्यूरोक्रेटिक मशीनरी है वह सब के ऊपर छा गई है, चाहे विज्ञान का क्षेत्र हो, चाहे ऐग्रीकल्चर का क्षेत्र हो, चाहे कोआपरेशन का क्षेत्र हो, बिना किसी विशेष ज्ञान के यह लोग वहां जा कर बैठ जाते हैं और जो तरह-तरह के मिसमैनेजमेंट दिखलाई देते हैं उस का कारण यही ब्यूरोक्रेटिक मशीनरी और आई० ए० एस० लोग हैं। इसको दूर किया जाना चाहिये। बड़े आश्चर्य की बात है कि एक दिन एक अधिकारी डाइरेक्टर और एग्रीकल्चर है, दूसरे दिन वह डाइरेक्टर आफ इंडस्ट्रीज हो जाता है तीसरे दिन वह रजिस्ट्रार आफ कोआपरेटिव सोसयटीज हो जाता है, चौथे दिन वह म्यूनिसिपल कमिश्नर हो जाता है, बिना किसी ज्ञान के।

MR. DEPUTY-SPEAKER: Order please. All this is irrelevant to the Bill.

श्री राम रतन शर्मा : Let me finish.

मैं यह कहना चाहता हूं कि जो आई० सी० एस० के प्रिविलेजेज हैं उनके बारे में साकार कहती है कि वह उन को कम करना चाहती है। लेकिन मैं कहना चाहता हूं कि एक प्रिविलेज को खत्म कर के दूसरे प्रिविलेज को देने की बात चलाई जा रही है। आप सारे प्रिविलेज एक साथ क्यों नहीं खत्म करते ?

MR. DEPUTY-SPEAKER: This is irrelevant to the Bill. This concerns only the privileges of the ICS officers, not the privilege of any other services.

श्री रामरतन शर्मा : मैं यह कहना चाहता हूं

MR. DEPUTY-SPEAKER: If you do not have anything more to say on the Bill, please conclude.

श्री रामरतन शर्मा : I plead that you understand what I want to say.

मैं यह कहना चाहता हूं कि आप आई० सी० एस० के प्रिविलेज कम नहीं कर रहे हैं और आई० ए० एस० के प्रिविलेज

श्री राम रतन शर्मा

बढ़ा रहे हैं जब प्रिविलेजेज को खत्म करने की बात आती है तब केवल वह नहीं होना चाहिये जो आप कर रहे हैं ।

MR. DEPUTY-SPEAKER: You bring another Bill on the privileges of the IAS officers. We shall discuss that.

श्री राम रतन शर्मा : I am concluding.

मैं यह कहना चाहता था कि इस तरह से प्रिविलेजेज को खत्म करने की ओर सरकार का कोई कदम नहीं है। उन को एक काम्प्रिसेन्सिव बिल ला करके के आई० सी० एस० के प्रिविलेजेज को खत्म करना चाहिये । साथ ही मेरा यह भी कहना है कि उन को खत्म करने की बात आये तो जनता को दिये गये आश्वासनों के हिसाब से आई० सी० एस० और आई० ए० एस० प्रिविलेजेज को साथ साथ खत्म करना चाहिये ताकि जनता इस ब्यूरोक्रैसी से बच सके ।

SHRI K. NARAYANA RAO (Bobilli): while supporting this Bill I want to make certain comments. Basically this Bill is a followup after the constitutional amendment in respect of article 314. We had to make provision for the regulation of ICS officers. With that objective in view this Bill, is before the House. Now it is intriguing to see the last sentence in para 1 of to see the last sentence in para 1 of the statement of objects and reasons where they say they are not going to disturb the pay or pension of that service. Clauses 3 and 4 specially refer to the conditions of service, remuneration, leave, pension, rights regarding disciplinary action and other conditions of service of the ICS officers; they will hereafter be regulated according to the All India Services Act of 1951 and the rules made thereunder. When it is so categorical, this point in the statement of objects and reasons seems to be misplaced.

There is a widespread feeling that certain persons had been specifically excluded according to the schedule and blanket power has been given to the Government to bring other people within that category merely saying that a particular person is equivalent to a joint secretary or secretary or police commissioner. On what basis Government is going to take that power and how it is going to be regulated is not clear. In part I of the schedule posts like joint secretary had been mentioned. There are many joint secretaries, and one needs to calculate. We do not know how many people are thus excluded. Whatever it may, it is only for the purpose of pay. All the other privileges are to be regulated as for others.

Clause 6 refers to compulsory retirement at 58 years of age and also premature retirement when a person reached 50 years of age or has been in continuous service for thirty years. Government may retire such a person on public grounds. Why two categories are there, I do not know. But so far as the later category is concerned, namely, to retire a person when he reached the age of 50 on grounds of public policy, the subordinate legislation committee had adversely commented on this provision. The Subordinate Legislation Committee had adversely commented on this rule giving the power to Government to retire a person in the name of public interest and said that the possibility of misuse is there. The same comment holds good for this provision also.

If a person has been compulsorily retrenched at the age of 58 or retired in public interest at the age of 50, it is provided that he will be paid an annuity of Rs. 13,000 and odd. Here again, a person who has been retired in public interest at 50 and a person who has been retrenched at 58 have been placed on the same par, through there is a margin of 8 years and a blanket amount has been provided. I do not know how far it is reasonable.

Clause 8 deals with pension. Payment in sterling has been categorically provided. Apart from that, it is provided that the rupee equivalent will be calculated at the rate of rupees thirteen and one-third to a pound. Probably in view of the devaluation which we had recently, the ratio has enormously increased and to avoid that, this has been done. In principle, I agree with it. But coming to retrospective effect, it provides that in the case of those who have already retired and secured pension in rupee equivalent to sterling at a rate of exchange exceeding Rs. 13⅓ to a pound, the difference has to be refunded. I do not know how far it could stand judicial scrutiny.

Sub-clause (3) of clause (8) relates. . . .

MR. DEPUTY SPEAKER: You are referring to each clause. But we are in the first reading.

SHRI K. NARAYANA RAO: I agree, Sir; About the refund of excess pension, it extends to Judges of the Supreme Court and High Court also, according to sub-clause (3). But article 125 of the Constitution says:

"Provided that neither the privileges nor the allowances of a Judge nor

his rights in respect of absence or pension shall be varied to his disadvantage after his appointment."

Coming to rule-making power, the Bill provides that the Government can adapt certain rules, regulations and orders before the expiry of two years from the appointed day. This is the first time where a time-limit has been provided for the rule-making. There are occasions and occasions where Government has slept over its rule-making powers. This is the first instance where a time-limit has been put. There is nothing wrong in it. But if the Government does not do it, the Bills says that any court, tribunal or competent authority can adapt any rule or regulation and construe it with such modifications as may be necessary. This is the first time this sort of thing has been introduced and I do not know whether any court or tribunal will take the responsibility of modifying the existing regulations.

With these few observations, I welcome the Bill.

SHRI SATYENDRA NARAYAN SINHA (Auranagabad): Mr. Deputy-Speaker Sir, this Bill has a very limited objective and seeks to bring on par the conditions of service of ICS with those of IAS. Although it pertains to abolition of privileges of the ICS, in actual practice, except for defining the pension to be given to the ICS people in terms of rupees, it does not abolish anything. I actually wonder why my hon. friend, Mr. C. C. Desai, was indulging in the funeral oration over this Bill. I say this, because on reading all the provisions of the Bill, it is quite clear that what has been professed has not been carried out. The Government claims it to be one of the series of measures that they are taking to bring about an egalitarian society.

What have they done in this Bill? None of the privileges of ICS is being abolished. All that they are going to do is that the age of retirement is going to be reduced to 58. In 1977, all the ICS officers would have retired, in due course. Now, according to this measure, they will retire in 1975. But the general impression is that those officers who have had the courage of convictions to give sound advice, independent advice, are allowed to go out. Perhaps, this measure will be used in their cases. Whereas those who have been trying to curry favour with the Government are allowed not only to complete their full service but they are given extensions and re-appointments. You also know that most of the Ambassadorial posts are being filled by ICS people or even the posts of Governors are also being filled by these people. So, it is a tall claim on the part of the Government to say that they are taking steps in order to end discrimination or disparity existing between ICS and IAS. If they are really keen upon doing so, they should have followed a sensible policy of re-structuring the salaries and privileges of Government servants at all levels as has been suggested by Shri H. M. Patel. The Pay Commission is seized with the problem and, I think, they will be submitting a report which will make reasonable suggestions for re-structuring whole thing now.

In regard to this measure, all that I have got to submit is that the Government should not indulge in invidious distinction between one officer and another. It is one thing if you penalise an officer for inefficiently or for any corrupt practice but it is quite another that you become choosy in retiring those officers who have shown independence in tendering advice, even though they are capable and able. You prefer those officers who have been expert in giving you such advice as you want whereas others who have maintained the traditions of their services are not wanted.

I agree with Mr. Indrajit Gupta who said this morning that the standards of this heaven-born service have gone down of late and the Government have not been able to take action against them, that they are almost mesmerised and hypnotised. He has also now discovered, that Government has gone back upon his professions. He said that the Government takes one step forward and goes two steps backward and they slide back in their professions (*Interruptions*) He is wiser now, although we could foresee from the beginning that . . . this Government was vociferous in making claims about the measures that they are taking to bring about an egalitarian society, but when it came to actual implementation, they developed cold feet and were not as serious as they ought to have been. Still, whatever little objective this Bill seeks to achieve, I, on behalf of my Group, lend my support to it.

15 hrs.

SHRI SHYAM SUNDER MOHAPATRA (Balasore): Although very belated, this Bill has brought to the focus of the House one particular thing that, after 25 years of independence, at least the last vestige of British imperialism is going to be knocked out. I do not know how far it will go to shape the administrative set-up of our country, but psychologically, it is definitely going to give an impression to the people that Government is duty-bound to fulfil the aspirations which they had demanded. Even now we have in our service more than 81 ICS people, although by 1979 all of them would retire.

[Shri Shyam Sunder Mohapatra]

In 1850 the Indian Civil Service was created and the privileges which were granted to the officers was for one specific reason that they would toe the line of the British Government as their most faithful servants. Those Indians who entered the Civil Service during the British regime had as their first priority in their career suppression, of the freedom movement of our country. It would have been in the fitness of things if, after the independence was achieved, these Civil Service people had been given forced retirement without entering into any agreement with the Crown, and those who colluded with the British Government in suppressing the freedom movement should have been thrown to the gallows. Unfortunately, we could not do that. We thought that these administrators would help the administration of our country; in those days our leaders thought that they were the best brains of our country. It is a pity that, during the last 20 years these ICS people had shaped the foreign policy of our country, had shaped the administrative policy of our country, had shaped the economic policy of our country. And it is a shame that many of our junior administrators of today have fallen in line with what their senior ICS officers had preached. But today the country is very happy that, under the regime of Shrimati Indira Gandhi, at last, the last vestige of British imperialism is going to be knocked out.

These ICS people are very cunning people. When they retire, they go as Governors or Chairmen of public sector undertakings. They are so clever that before retirement they make such an arrangement that, after retirement, they would have refuge in the public sector undertakings where their salaries, emoluments and perquisites would be much more than what they were getting before retirement.

MR. DEPUTY-SPEAKER: What should we do with them?

SHRI SHYAM SUNDER MOHAPATRA: I would like to impress on the hon. Minister who is here, a very dynamic Minister indeed as he has brought forward this Bill, to bear in mind the fact that the country is awakened to a very conscious state of affairs, that people are not going to tolerate anything humbug, they want from the administrators commitment. What is commitment? It is unfortunate that one ICS gentleman who was Governor of Mysore, in a seminar in Bombay only two months ago, said that there should be partnership between service people and politicians. It is not that he wants partnership between people and Government; he wants partnership between service people and politicians, between service people and Government. Look at the regimentation of thinking, what he was advocating. The same ex-Governor said:

> "A new breed of politicians had come who were power hungry, who interfered with the day-to-day execution of policy."

It is shameful of that ex-Governor that, today, in 1972, he could venture to tell the people of India that our politicians are power-hungry. This is one specimen of the creed of Indian Civil Service. . . .

MR. DEPUTY-SPEAKER: My question was: what should we do with them?

SHRI SHYAM SUNDER MOHAPATRA: so, Sir, I say. . . .

MR. DEPUTY-SPEAKER: What should we do? We should pass this Bill quickly then.

SHRI SHYAM SUNDER MOHAPATRA: I am only going to impress on the Minister certain things which the country wants from him and this socialist Government.

MR. DEPUTY-SPEAKER: He is impressed. That is why he has brought forward this Bill.

SHRI SHYAM SUNDER MOHAPATRA: In our country to-day we are more interested in commitments. These administrators say, 'What do you mean by commitment?'

By that I mean commitment to a socialist ideology. Nobody can say to-day that there is any commitment in them.

MR. DEPUTY-SPEAKER: That is a different question. ICS people with their adaptability will be the most committed people now. Please come to the Bill.

SHRI SHYAM SUNDER MOHAPATRA: The privileges of the ICS people are too many. As the Maharajas of the old days enjoyed privileges like anything and a lot of privileges, the ICS people also enjoy so many privileges. It is a big list of privileges. If I go on reading out the privileges, it will be too many. But I say these privileges. . . .

MR. DEPUTY-SPEAKER: Now, please conclude.

SHRI SHYAM SUNDER MOHAPATRA: These privileges have been curtailed and I want to quote only one thing from the speech of Mr. Ananthasayanam Ayyangar delivered in the Constituent Assembly. He said:

> "To-day it seems to me that the bulk of the benefit of Independence has gone to the Service people and the other classes of people have gone down."

But at last, to-day, the Government has awakened to the fact that the ICS people, their very creed itself is an anachronism to the philosophy for which we stand to-day.

PROF. MADHU DANDAVATE (Rajapur): This Bill has been placed before us probably in response to the general awareness in the country that the privileged classes must be robbed of their special privileges there must be an atmosphere of egalitarianism allround and that must also pervade the administration.

Sir, I must candidly admit that the Bill that has been presented over here for consideration of the House does not fulfil the aspirations of the people in this direction. Just as in the economic field we can across the strange spectacle of hypocrisy wherein there are a number of politicians who privately support the private sector and publicly support the public sector, in a similar manner, I fully agree with our friend, Mr. Indrajit Gupta, that while this Bill is brought forward apparently to see that the special privileges of the ICS officers are completely dispensed with, we actually find in practice that these are the privileged men who advise them, who guide them and very often our politicians or the Ministers are the victims of their unimaginative approach. I would not go to the extent of saying that bureaucracy is not needed in the administration at all. In the Communist countries there is a bureaucracy. In the socialist countries, there is a bureaucracy. In the capitalist countries there is a bureaucracy. It does exist in all countries. But what we are opposed to is not bureaucracy but bureaucratism as such. Therefore, this Bill has been brought forward with the ostensible purpose of doing away with their special privileges. But when I go through the Bill, I find that while on the one hand it tries to remove certain privileges, on the other, at the same time, it introduces certain other privileges by back door again whether it is the question of emoluments, whether it is the question of retirement or whether it is the question of pension. . . .

MR. DEPUTY-SPEAKER: Of the ICS people?

PROF. MADHU DANDAVATE: I am referring to them. There was a discussion on it. I am referring to the ICS officers. There are only 80 officers. When I refer to them, I am reminded of that fine book 'Animal Farm' written by George Ornwel wherein he has sarcastically said:

> "All are equal, but some are more equal than others."

I think that seems to be the position over here and I feel that as far as the ICS officers are concerned, though it is said that we are trying to remove all the special privileges and special concessions to them and, therefore, this Bill is being introduced in reality they are still going to enjoy more privileges than others. Reference has been made to pensions and other things and I do not want to repeat them over again. But I want to raise one point. The second special privileges that are being created—may I be permitted to say—just as in the economic field, sometimes the old rich disappears and a new rich comes up, in a similar manner, I am afraid, some such situation is bound to grow in the field of administration. The Administrative Reforms Commission have addressed itself to the problems of administration and they have also taken cognisance of the fact that the ICS officers are holding certain privileged positions. We must try to find out if at all these privileged positions are removed, what vacuum is likely to be created and what exigencies are going to be created. They have made certain recommendations.

I am very sorry to find that the Government did not apply its mind to the recommendations made by the ARC. Arising out of this Bill a particular situation is bound to come up and I would like to make a reference to that. The ICS officers will be disappearing and to that extent the special privileges will be going. IAS officers will be taking their places. But till even up to this day (and I am sure even after the implementation of this Bill) Government has not addressed itself to the basic task as to what is going to be the personnel policy in the Administration. ICS officers will retire and soon the IAS officers will substitute them. But there are a number of other services besides the IAS, the tendency again will be to replace the ICS officers by IAS officers and there is therefore need to see that well-formulated personnel policies are build up.

MR. DEPUTY-SPEAKER: That is a different question. They may replace the ICS or IPS officers but they won't have their privileges. We are concerned with the privileges. It is a much larger question which you are dealing with.

PROF. MADHU DANDAVATE: I am very clear that within the legitimate framework of this Bill we can consider the consequences of the Bill and make some concrete suggestions.

MR. DEPUTY-SPEAKER: That is, you are enlarging the scope. That is a different question which can be discussed on a different question. The personnel policy of the Government is a bigger question.

PROF. MADHU DANDAVATE: But before you took the Chair these problems have been discussed in this very House.

MR. DEPUTY-SPEAKER: I am only pointing out the scope of the Bill.

PROF. MADHU DANDAVATE: If you say that, I will not touch that point; I will adopt that. You feel that I am broadening the scope of the Bill but I feel that it is very much related to the situation that is going to be created after the implementation of this Bill and therefore I feel this should be taken into account.

As far as pensions and emoluments are concerned I have already made a reference to them. After some time you will realise that further discontent will grow and I hope that due note will be taken of that. Even at this stage I feel that it should be possible for the hon. Minister to come forward with a suggestion that we must refer this Bill to a Committee to take cognisance of the various criticisms levelled here—generally it does not happen—and respond to suggestions and in a modified form bring this Bill here. And if that is done then, that Bill alone will reflect the aspirations of the Members; otherwise it will be just putting old wine in new bottle.

I have made reference to ARC. I don't want to go into it in detail. After the priviliged class is going to be robbed of the privileges, a new situation is going to be created. What are the concrete things to be done to meet the new situation? It was reported in the Press that these have been simply scuttled off possibly under pressure of the IAS but I hope that will not be done and due cognisance of the criticisms levelled over here will be taken.

In conclusion I would be failing in my duty if I do not record one more thing. Though I am opposed to bureaucratism and though the present bureaucracy does not take cognisance of the fact that a new nation is coming up and new methods of administration are required, I must record certain traditions build up by certain individuals even within the rigid ICS framework ICS men like Dr. B. N. Rao and Dr. C. D. Deshmukh are the best symbols of integrity and efficiency and I hope that after the adoption of this Bill when the new set up and new frame will start operating,—while the privileged positions will disappear, at least some of the best legacies of efficiency and integrity will be preserved and incorporated in the new broad frame with new imagination and new concepts.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): I am grateful to the hon. Members who have participated in this debate and I think Prof. Dandavate who touched the heart of the matter when he said that the privileged position of the ICS should go; the object of this Bill is that it should go, and that has been achieved. That is the central point. Apart from that, various other matters have been referred to, some which are directly relevant to the Bill and some which relate to other matters which are not really germane to this debate.

So far as this present Bill is concerned, we were committed to bringing forward such a Bill. The Constitution had been amended, and article 314 had been omitted and article 312(A) had been introduced as a new article into the Constitution, and this present Bill is a consequential measure.

श्री हुक्म चन्द कछवाय (मुरेना) : उपाध्यक्ष महोदय, मैं व्यवस्था चाहता हूं, सदन में कोरम नहीं है ।

SHRI K. C. PANT: As I mentioned in the House yesterday also.....

MR. DEPUTY-SPEAKER: There is no quorum. Let the hon. Minister resume his seat for a while. Let the bell be rung—

Now, there is quorum. The hon. Minister may now resume his speech.

SHRI K. C. PANT: As I mentioned in the House yesterday, when this matter was debated upon in the Constituent Assembly, Sardar Vallabhbhai Patel dealt with this question, and even at that time, while explaining the reasons for the agreements that had been entered into and for the special privileges of the ICS which had been incorporated into the Constitution at that stage he did say that with the passage of time it would be open to Parliament to effect such changes in the special conditions of service as were considered desirable. Therefore, we have come before the House with these changes,

My hon. friend Shri C. C. Desai said that we had rushed with this Bill. I am sorry he is not here now. The House knows that this was an old commitment of ours and of this Government, and therefore there is no question of rushing with this Bill. We had told the House that we would come forward with this Bill and we have now come forward with it after due consideration. So, I do not understand this criticism of Shri C. C. Desai.

He made what he himself called a funeral oration. He praised the ICS. On the other hand, we had some hon. friends who had a few harsh words to about the ICS and some who had a few harsh words to say not only about the ICS but about the other services also. We are not discussing the relative merits of the various services. But it is quite true that government

cannot be carried on without an administrative service. The ICS performed a certain role during a difficult period. There were some distinguished ICS men. But all that is now a part of history. What is relevant today is that in the conditions of today, in the light of the kind of society which we want to build, we do not want to leave a small group of officers in a privileged position in relation to other groups of officers. So, we decided to do away with all these privileges and we have done a way with them. This should not evoke a discussion on a wide range of problems affecting the services.

My hon. friend Shri H. M. Patel referred to career planning, field experience for IAS officers and other matters which are important, which one would like to hear about but which again are not strictly germane to this issue. He said designation of the civil service should stop and the Government should stand up for them. Now, this is a very general statement. I agree with the that there should not be any sweeping denigration of any class or any section of our society, least of all government servants, but in individual cases, where they go wrong, they have to suffer the consequences. Many of them are doing excellent work and there is no question of any general denigration, and Government certainly stand up for those who are working well.

My hon. friend, Shri Indrajit Gupta—who is present and busy—made a capable speech, as he always does. I wish if Shri C. C. Desai were here, he would probably say that this is because he has ICS amongst his relatives.—He seemed to think that intellect and intelligence belonged only to the ICS.

SHRI INDRAJIT GUPTA: Monopoly of the ICS.

SHRI K. C. PANT: Or something has rubbed off from Shri Indajit Gupta—that is what he would have said.

The point about this criticism of the ICS, and Ministers not being able to handle the ICS etc. is really lost on me when I think that there have been various governments in the country, in some of which my hon. friend's party has also been represented. The Jan Sangh has been in some governments. These parties have been in some Government or the other at some time or the other, but none of these Governments has asked us to withdraw the ICS personnel from their States. All the parties have used ICS personnel in their administration.

SHRI INDRAJIT GUPTA: Why should not they? The point is whether they used the ICS or the ICS used them.

SHRI VASANT SATHE (Akola): Who has abused misused whom?

SHRI K. C. PANT: And the IPS also.

If you will allow some indulgence, I would like to refer to an old story which I have heard about my father once. Once in 1937—in those days, of course, the new Congress Governments had come in and the ICS men were very much there, and among them were many Britishers—there was an ICS officer in U.P. I think he was Agriculture Secretary and the son of the Governor of UP. He was somewhat rude in his behaviour generally and not amendable to discipline from the new set of Ministers.—The is a story I have heard. I do not know how far it is true. My father never told me about this. Somebody who was there told me about it.

One day he sent for him and asked him, 'Are you interested in gardening?' He replied, 'Yes'. 'Do you instruct your gardener about the way to put all the flowers and so on? He said, 'Yes, I do'. He did not know what the Chief Minister was trying to drive at. So the latter said, 'Suppose the gardener does not accept your advise, does not follow your directions, what do you do?' He said, 'I throw him out'. Then the Chief Minister said: 'That is my problem. I cannot throw you out'.

So the ICS officers, the Britishers amongst them, certainly at that particular stage, may have behaved in a certain way. But I do not think persons of the calibre of Jawaharlalji or the Sardar and the others who have run this country all along, have not been able to use the ICS effectively in the interest of the country. Today also I make bold to make this statement, in view of what has been said by Shri C. C. Desai who, doubtless, had his own experiences, that this Government certainly knows how to use its officers, and certainly also knows what policy to follow, what policy to implement. I think there is sufficient evidence before the country that this Government is capable of doing this.

Sir, my hon. friend Shri Gupta asked about the six months' grace period which has been provided in the Bill. He said that three months' notice is all right. Actually, it is four months notice period for retirement of those eligible. Two months for processing of application and so on. It is not a big period, and it is a practical thing that has been put in. I do not think very much need be made of that.

So far as my friend from the DMK is concerned, he was under some misapprehension. He misunderstood the references to seven officers who will remain in service. Actually, it is a little complicated. The

[Shri K. C. Pant]

fact is that when we changed the retirement rule from 35 years of service after joining service in India to 58 years of age, then there are some officers who joined before they were 23. So, after 35 years of service also, they are not 58. Therefore, we gave a few weeks extra. But as against that, a large number of officers lose sometimes over two years. I will go into those facts later. But there has been some confusion on this and on other points also. Even my hon. friend Mr. Daga did not quit appreciate the positive features of this Bill. And while everybody supported it in principle—and there has been a large measure of agreement on that—the features of the Bill which did away with the privileges have not been sufficiently taken note of. Therefore, if you will permit me, I would like to refer to those features. But before I do so, I would like to cover just one point of Shri Rao in which he said that judges would be affected by this Bill. There are some ICS judges; they would be affected only in so far as the ICS persons are affected by virtue of their belonging to the ICS, but not as judges. Therefore, the constitutional provision remains intact.

SHRI INDRAJIT GUPTA: Will you explain clause 6?

SHRI K. C. PANT: I will explain one by one. I have made a note of all your points.

Another small point made by Shri S. N. Sinha was with regard to the extension being given to favourites. I thinks he knows that the general policy of the Government is not to grant extensions, and extensions are granted only where in public interest it is desirable, and they are very, very few. Therefore, I do not think that his criticism was well directed.

Now, I would like to refer to the other major conditions of service which were particular and special to the former Secretary of State service officers, that is, ICS, IP officers and so on, which are revoked and which are being substituted by the conditions of service of the other officers of the corresponding services. The rule of retirement of the ICS officers at present is that they will retire on completing 35 years of service counted from the date of arrival in India. That is the present rule. Under this rule, since many of the officers came back to India when they were 24 or 25, some of them went up to 59 and some to 60, and so on, because it depended on when they joined service in India; whereas in the case of the other Government servants including other members of all India services, the date of compulsory retirement, as the House knows, is 58. Now, this will be made applicable to the officers belonging to the former Secretary of State services. I can go into all the details I have with me, as to how many people will be affected by this and when, and so on. But I do not think that I need to go into all those details, but I will later on give you a broad idea of the changes which this has brought about in terms of the number of persons who will lose certain number of years of service by this change.

Then, at present, the ICS officers cannot be retired prematurely—some Members raised this point—even if it be in public interest, whereas in the case of Government servants generally, there is a provision which enables Government to retire them prematurely if public interest so demands on attaining the age of 50 or on completing 30 years of qualifying service. The conditions of service of the former Secretary of State service officers are being fully brought on par with the corresponding conditions of service obtaining in the case of all the other Government services in this regard.

That is compulsoy retirement at the age of 50 or after completing a qualifying service of thirty years. You know at present that at a particular age if the Government servant is found to be not quite up to the mark, it is open to the Government to ask him to retire. This was not possible in the case of ICS officers in the past; this will be possible now. In the case of the ICS officers the powers to effect a reduction in the amount of retirement benefits ordinarily admissible on the ground that the service of the officer has been unsatisfactory are not available. These powers are available in the case of other Government servants and with the passing of the new legislation these powers will be available in the case of ICS officers also. After an officer has retired, if the service of the officer has been found to be unsatisfactory, then also there can be a reduction in the amount of retirement benefit, quantum of pension. In the case of the ICS officers all these were protected. It was not possible to touch them after retirement. That position will change and the ICS, will be brought at par with other officers.

My hon. friend Shri Indrajit Gupta referred specifically to this. In the case of other officers even after pension was sanctioned disciplinary proceedings can be initiated for withdrawing the pension or any part of it for recovering the whole or part of any pecuniary loss caused to the Government, subject to the fulfilment of certain conditions which are laid down under

the rules. No such power is at present available in the case of former secretary of state service officers. Once the proposed legislation is enacted, the former secretary of state service officers now in service will be brought at par with other government servants in this regard.

SHRI INDRAJIT GUPTA: Where is that?

SHRI K. C. PANT: I shall let you know after I finish my speech; I shall look it up. This is a point which he specifically raised and I am therefore happy to tell him specifically that this is included in the Bill. All India services are common to the Union and the States and members thereof are liable to serve either in the Central Government or State Government. Under the existing scheme relating to disciplinary matters the State Government is competent to suspend a member of the All India service other than the former secretary of state service officer serving in connection with the affairs of that State if the nature of the charges or disciplinary proceedings against him and the circumstances of the case so warrant this. In case the disciplinary proceedings warrant it, circumstances of the case warrant it the State Government can suspend any member of the All India service. This is applicable to IAS and other All India services; it is not applicable to the ICS officers. It was held by the Supreme Court in the case of former secretary of state service officer that the power of suspension will be available only with the President. Once the proposed legislation is enacted and brought into force, the State Governments will have the same powers over the former secretary of state service officers serving in connection with the affairs of the States, as they have over the other members of the All India service. In this Bill what was the privileged position of the ICS has been removed and they have been brought at par with other officers.

SHRI VASANT SATHE: Will this also include retired officers?

SHRI K. C. PANT: This is disciplinary proceedings. I have already stated that in respect of retired officers also, the same provisions will apply as apply to other All India services.

Under the rules governing the members of the secretary of state service officers prior to the transfer of powr there was no provision for imposing the penalty of compulsory retirement. Even though the penalty has subsequently been introduced in respect of members of the central services of the All India service other than the former secretary of state service officers, the relevant provision was not applicable to the ICS and IP officers because of the protection which they enjoyed under article 314 of the Constitution as originally enacted and the convenants and the agreements entered into or executed by them. With the passing of this legislation this fetter on the disciplinary powers of the Government will be removed. Just now in respect of other All India Services, Government could confer punishment of compulsory retirement on all officers other than the ICS. Now this will be applicable to ICS and IP officers also.

Under the existing leave rules, the former Secretary of State Service officers earn leave at the rate of 2/11 of the period spent on duty while other members of All India Services earn leave at the rate of 1/11 of the period spent on duty. Moreover, there is no restriction on the quantum of leave which a former Secretary of State Service officer can accumulate in this leave account, whereas in the case of members of other All India Services, they cease to earn leave when it accumulates to 180 days. These and other special conditions of service and leave of ICS and IP officers are being revoked completely and being substituted by the conditions of service applicable to other members of All India Services. There are similarly certain provisions in relation to special nursing. The cost of special nursing is reimbursed fully in the case of ICS and IP officers. In the case of IAS and other services, the cost of special nursing in excess of 25 per cent of the pay of the officer for the period involved is reimbursed. These and other special conditions I mentioned earlier are being revoked and are being substituted by the conditions as mentioned for the IAS and other services. That is, they are being brougt on a par.

A case was made by some former Secretary of State Service officers and some of them took the matter to courts of law also, that they were entitled to receive pension in or in terms of sterling. These claims are considered to be incompatible with the changed circumstances after the transfer of power in 1947 and the commencement of the Constitution in 1970. Possible rights in this regard are, therefore, being extinguished through the proposed legislation. This point was cemmented upon by various hon. members and I need not labour on this point at all.

Mr. Indrajit Gupta said, he had no objection to the present pay of ICS officers being protected but if a Joint Secretary is promoted as Secretary, why should he not be given the pay that will be given to IAS officers? These pays are for the posts, not

[Shri K. C. Pant]
for persons. As a practical person, I want to ask him, if he is promoting an officer from Joint Secretary to Secretary, what is that promotion if the jump in his pay is insufficient or is much less than it would be in other case? It would hardly be a promotion. Once you have accepted the principle that the present pay need not be cut, it is logical to permit the pay scales for these few categories given in the schedule to remain.

Mr. Rao asked, what are the principles for equivalents of posts? These are well-known principles, applied every day by Government. These are not arbitrary. Whenever an equivalent post is notified, it will be on the basis of the criteria that are applied at present.

SHRI INDRAJIT GUPTA: He says, the pay is for the post and not for the person. I would ask whether promotion is calculated in terms of the post or in terms of the pay. If he is promoted from Joint Secretary to Secretary, is that not a promotion?

SHRI K. C. PANT: He is a trade unionist of note and he realises there are both aspects of this problem.

In respect of pension schemes, IP officers have opted for the IPS scheme because that is more favourable. Therefore, the problem does not arise so far as pension or other retirement benefits of these IP officers are concerned. That is not an issue at the moment at all.

So far as ICS officers are concerned, they were also given an option for receiving additional benefits being conferred to other Government servants of all-India services, e.g. death-cum-retrenchment gratuity scheme, family pension scheme, etc. The ICS officers did not have any death-cum-retrenchment gratuity scheme or any family pension scheme. They were allowed to commute up to half and how they will be able to commute not more than one-third. Those who have exercised their option will get this benefit of death-cum-retrenchment gratuity scheme and family pension scheme.

When we constituted the IAS service, we introduced certain features into it which were stronger on social security aspect than the earlier scheme. But the net effect of it would have to be worked out. I am not quite sure how it would work out. That has to be worked out.

Now, there was the question of 7 officers mentioned in the Financial Memorandum. Various hon. Members referred to it. As I said, there is some confusion about it. I would like to make it clear that 7 officers referred to in the Financial Memorandum are those officers who would have retired a few weeks earlier had the old rule been applied, that is, 35 years of service after they had joined the service. When the new rule of 58 is applied, they will gain because they joined the service before they were 23. After adding 35 years, they just fell short of a few weeks. They are there for another few weeks in service. They should not be confused with any of other officers who have been mentioned. Extension has not been given to them. But involuntarily, they gain by a few weeks because the rule is changed. While on the one hand 7 officers gain by a few weeks, I would like to tell the House that as many as 17 officers have their dates of retirement advanced by more than 2 years as a result of this legislation. In the remaining cases also the dates of retirement are getting advanced by various periods. Out of 80 and odd officers, perhaps, 7 officers will gain by a few weeks; 17 will lose by more than 2 years and the remaining will lose between zero to two years. This is the position that emerges after the application of the rule of retirement at the age of 58.

Then, some reference was made to clauses 9 and 11. I have taken enough time and I do not want to go into details. Both these clauses are modelled on standard provisions which occur in several Acts of Parliament. The provisions on these lines are made for the purpose of facilitating transition from an existing order to a new order. This will strengthen the Bill. This will get over the difficulties that may arise. I do not think any apprehensions need be entertained about these two clauses of the Bill. Thank you, Sir.

PROF. MADHU DANDAVATE: I want to have a clarification. It arises out of the implementation of the Bill. Therefore, I would like you to clarify whether, as recommended by the A.R.C., a well-formulated personnel policy will be evolved. Whether it will be decided, when the ICS officers actually retire, that only IAS will claim the monopoly of filling up the posts or whether other services like the Indian Audit, the Accounts Service people, will also get an opportunity to fill up the vacancies.

SHRI K. C. PANT: So far as the general question of career policy for the Government is concerned, you are kind enough to mention that these are matters which are outside the scope of the Bill. But I have made a note of Mr. Patel's observation also and I myself believe that there should be a career planning in Government. That has been missing. That is one of the recommendations of the A.R.C. Attention has been devoted to this problem since then.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the variation or revocation of the conditions of service of former Secretary of State Service officers in respect of certain matters and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: I see there is only one Member, Shri B. V. Naik, who has given notice of amendments. I do not see him here. So, I think, these amendments may be taken as not moved.

Now we take up clause-by-clause consideration. The question is:

"That Clauses 2 to 13, the Schedule Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 to 13, the Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI K. C. PANT: I move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

MR. DEPUTY SPEAKER: Now we take up the half-an-hour discussion. Mr. Chandrappan.

SHRI INDRAJIT GUPTA: With your permission, may I ask one question of the Minister of Petroleum. There may not be another opportunity. I would like to know . . .

MR. DEPUTY-SPEAKER: The Minister is not here.

SHRI INDRAJIT GUPTA: Perhaps, his colleagues will be able to.....

MR. DEPUTY-SPEAKER: He does not deal with Petroleum.

SHRI INDRAJIT GUPTA: All right.

MR. DEPUTY SPEAKER: Now we take up the half-an-hour discussion. Mr. Chandrappan.

15.47 hrs.

HALF-AN-HOUR DISCUSSION
LOWERING OF VOTING AGE

SHRI C. K. CHANDRAPPAN (Tellicherry): A few weeks back there was a question asked in the House regarding lowering of the voting age. It is a well known fact that there is a very big demand from among all sections of the young people that the voting age should be reduced from 21 years to 18 years. While answering this question, the Minister pointed out certain difficulties. First, he said that it was not merely a question of amending the Constitution, it had certain physical impacts and they should be taken into account. The Minister also pointed out that it would add some 14 million new voters; if those people were added as new voters, if voting age was reduced to 18 years, that would mean delimitation of the present constituencies and increasing the number of polling booths and increasing the administrative expenses; so many things, he pointed out. He also said that, instead of 11 lakhs of population which was being represented by a Member of Parliament today, 12 or 13 lakhs of population would have to be represented by a Member of Parliament if the voting age was reduced to 18 years. This was also pointed out as a difficulty! So, more or less, Government gave, as usual, a very evasive answer.

Afterwards, a very important development has taken place. The Prime Minister had called a meeting of the leaders of the Opposition wherein a note had been submitted; the note had been prepared by Shri Sen Verma, Chief Election Commissioner, in which a proposal had been made that the number of seats in the Lok Sabha should be enhanced in view of the recent census report, in view of the population growth. Government, it seems, is now ready to come before the House with the proposal of enhancing the number of seats. But it was rather shocking that Government did not take into consideration the fact that there was a popular support for the demand for reducing the voting age; this has never come in the minds of the Government. If the Government is going to oppose it—I do not know—, I would like to say something giving the background to the question of adult franchise. It was not that people were always allowed to vote when they become adults.

There was a time when people thought or the kings and administrators thought that property, the amount of property a man owns, should be the criteria of his right to vote. That was the consideration. It took almost more than a century for England to adopt the principle of adult franchise. But in 25 years in our country

[Shri C. K. Chandrappan]

we had the experience of adult franchise and nobody can say that it brought about any damages here. Now, after the Second World War, you are faced with a situation, whether you like it or not, but young people all over the world are playing a more significant, a more decisive role, in the affairs of the world and also in the affairs of their countries. This is the time we hear about the youth power, of the students' power and all that. I am not pleading for any of those things. But when we say that the voting age should be reduced from 21 to 18, it is because of the simple reason that the world to-day should recognise the fact that young people are playing a very significant role in the development of our society and in the affairs of the country. Whether you are going to recognise that fact, I am interested to know.

It is also a fact that people from the other side may argue that young people will not have a sober judgment regarding the future political set up of a country if they are allowed to vote at the age of 18, and another usual routine argument that we hear is that if the voting age is reduced, all the educational institutions in the country will be turned into arenas of politics. I do not think anybody who is reasonable can subscribe to these ideas. Young people to-day who are playing a significant political role, who are better educated and who are more literate than generations of people ever lived in this country, can definitely have the power to judge politically about the future of our country and we are living in an age of technological revolution. The media of mass communication has been widespread and the people are better informed, particularly, the younger generation. So, there is no argument which can stand against the demand for the young people to vote at the age of 18 and it was in this background that this Government is considering about changing the Constitution to bring forward an amendment to the Constitution to enhance the number of seats and they said that instead of 523 the proposal is to make somewhere 570. I hope the Minister will not argue that the seating capacity of this House should be something to restrict the number of seats in the Lok Sabha. Population growth, if you take into account that fact, which is equally a relevant fact, it should be taken into account that if the 18 year old people should be allowed to vote, it might include a new set of voters whose number will be 40 million but it will change the composition, the complex of the electorate. It will bring in more radicalism. It will change the very face of this House. It will bring in more revolutionary ideas. It will take out some of the orthodox things, some of the outmoded concepts and it will take the country further forward . . .

SHRI VASANT SATHE (Akola): To calamity.

SHRI C. K. CHANDRAPPAN: Definitely not. I am surprised that from your side you expect calamity will be the result.

In this background I would like to know from the Minister when they are bringing amendment in the next session, will they categorically bring forward an amendment to the Constitution to provide the right to vote at the age of 18?

They should know one thing. This is a demand which is agitating the minds of 40 million persons. This is agitating the minds of great number of young people and youths in the country. This demand is not opposed by any single political party in our country. Not a single political leader has come out openly to oppose it. To the last Lok Sabha we presented a petition, I was not a Member of this House then. I have submitted it on behalf of the Youth Federation. We know that the Lok Sabha's Petitions Committee in its report published in November, 1970 came to this view. I quote:

SHRI M. RAM GOPAL REDDY (Nizamabad): This was first proposed by Jan Sangh.

AN HON. MEMBER: The Youth Congress proposed it long ago.

श्री हुक्म चंद कछवाय (मुरेना) : जनसंघ तो बहुत दिनों से यह मांग करता आ रहा है लेकिन आप को डर है न ...(इंटरप्शंस)

SHRI C. K. CHANDRAPPAN: The Ninth Report of the Petitions Committee says:

> The Committee have given earnest consideration to the demand of the petitioners for lowering the voting age from 21 years to 18 years. Although there are strong arguments against the proposal such as immaturity of youth at that age and financial implications involved in handling vastly increased electorate thereby, the Committee feel that there are no valid reasons for denying the right of vote to persons above the age of eighteen years, particularly when, for other purposes of law, they are treated as majors and deemed competent to handle their affairs. The Committee, therefore, recommend that Art. 326 of the Constitution should be amended and voting age reduced from 21 years to 18 years.

MR. DEPUTY-SPEAKER: You have stated your point; you may conclude on that note.

SHRI C. K. CHANDRAPPAN: The Joint Committee on Amendments to Election Law went into the matter in 1972; it was a committee appointed by both the Houses. It said:

> Having considered both the above view points, the Committee decided that the voting age should be reduced from 21 to 18 years. The Committee, therefore, recommend that Art. 326 of the Constitution might be amended accordingly.

In conclusion I would say that all the Socialist countries from the very inception have agreed to give voting rights to those at the age of 18. This was in operation during the last election in the UK. The United Kingdom from whom we often get inspiration had agreed to voting rights of the people of 18 years of age. Our neighbour Ceylon has agreed to 18 years; people of 18 years will also be able to vote in the coming Presidential election in the USA. 18 years voting is a universal demand. Bangladesh Government has asked its Election Commission to prepare its new electoral roll on 18 years' voting rights. This is the situation, everywhere in the world. I want to know clearly as to what Government thinks about it. I hope the hon. Minister will not give a philosophical reply but I want a clear yes or no on this point.

MR. DEPUTY-SPEAKER: Only question, Mr. Daga. Don't make a speech, only a question.

श्री मूल चन्द डागा (पाली) : उपाध्यक्ष महोदय, सारे देश के कर्णधार और नेता जब युवकों के बीच में जाते हैं तो वह यह बात कहते हैं कि वह देश भाग्यवान है जिस के युवक समय के साथ चलते हैं और युवक हमारे हृदय की आशा हैं, हमारे जीवन की आशा हैं तो मैं समझता हूं कि जो नई निगाह रखने वाले, नई पीढ़ी के लोग हैं, जो देश को नया बनाना चाहते हैं, माननीय नीतिराज सिंह चौधरी अपनी उम्र का ख्याल न रखें... **(व्यवधान)** जहां लोकतंत्र एक प्रणाली है. . .

MR. DEPUTY-SPEAKER: Is it a question or a speech? I am asking the hon. Member whether what he is saying is a question or a speech.

श्री मूल चन्द डागा It is my question that whenever leaders go to the masses, they tell them like this. . . .

जब कभी आप युवकों के सामने जाते हैं या जनता के सामने जाते हैं तो हर नेता, कर्णधार ही कहता है कि युवकों को आगे आना चाहिये । इसीलिये मैं चाहता हूं कि युवकों को यह अवसर दिया जाय कि वे भी मतदाता बन सकें और अपने भाग्य का निर्णय कर सकें· · · ·

श्री बी० पी० मौर्य (हापुड़) : इसके लिये उम्र 18 वर्ष होनी चाहिये ।

श्री मूल चन्द डागा : जी हां 18 वर्ष होनी चाहिये ।

लोक तन्त्र एक जीवन प्रणाली है, उस जीवन प्रणाली में आप उन विद्यार्थियों को क्यों रोकते हैं, उन को इस रास्ते में प्रेक्टिकल अनुभव क्यों नहीं देना चाहते ?

MR. DEPUTY-SPEAKER: According to the rules, he can only put a question.

श्री मूल चन्द डागा This is the question that I am putting.

तीसरा सवाल–जिस देश में पुरानी पीढ़ी के लोग कम पढ़े लिखे हैं और नई पीढ़ी के लोग ज्यादा पढ़े लिखे हैं, समझदार हैं, जो टेलीविजन के युग में हैं, उस पीढ़ी को आप यह चान्स क्यों नहीं देते हैं । जो देश रूढ़ियों में घुसा हुआ है, परम्पराओं में विश्वास करता है, उस में नई पीढ़ी जो देश को नया रूप देना चाहती है, जिन की नई कल्पनायें हैं, नई विचारधारायें हैं, उस नई पीढ़ी को आगे आन से आप क्यों रोक रहे हैं । इनको रोकने का मतलब हिन्दुस्तान को पीछे ले जाना है· · · ·

MR. DEPUTY-SPEAKER: The hon. Member is not putting a question but he is making a point. . . .

श्री मूल चन्द डागा : मैंने सवाल ही पूछे हैं....

MR. DEPUTY-SPEAKER: He can make his speech on some other occasion.

Now, Shri S. M. Banerjee. He is absent. Then, Shri Madhukar. He is also absent.

[Mr. Deputy-Speaker]

This half-an-hour discussion is under rule 55, and the rule is very clear. A Member who gives notice can raise this question, and other Members who want to put questions have to give their names. Those names will be balloted, and only four Members whose names come up in the ballot are entitled to put questions.

SHRI M. C. DAGA: I would like to put one question . . .

MR. DEPUTY-SPEAKER: This is the difficulty. If he plays the game according to the rules, he could be more effective. I had been telling him from the very beginning to put only a question, but the hon. Member launched into a big speech. I cannot help it.

श्री भान सिंह भौरा (भटिण्डा) : डिप्टी स्पीकर साहब, मैं यह जानना चाहता हूं कि चन्द्रप्पन साहब ने जो आर्ग्यूमेन्ट्स दिये हैं, उस के बाद क्या मिनिस्टर साहब का यह मन बन गया है कि वह अब इस बात को मान लेंगे ? क्या आप यह नहीं समझते कि एक बच्चा जब 18 साल का नौजवान बन जाता है, उस की शादी हो जाती है, उस के बच्चे भी हो जाते हैं, वह एक ज़िम्मेदार आदमी बन जाता है । जब प्रापर्टी पर उस का अधिकार हो जाता है, तो उस को आप बोटिंग राइट क्यों नहीं देते ? इतना ही नहीं, जब इलैक्शन्ज़ होते हैं तो 18 साल का आदमी पोलिंग एजेन्ट बन सकता है, जब वह यह देख सकता है कि कहीं गलत आदमी वोट देने नहीं जा रहा है, जब वह इस चीज़ को कन्ट्रोल कर सकता है तो आप उस को वोट देने के लिये लायक क्यों नहीं समझते ? कालिजों में यूनियन्ज़ बनती हैं, उन यूनियन्ज़ को 18 साल का विद्यार्थी कन्ट्रोल करता है, क्या उस को आप ज़म्मेदार नहीं समझते । मैं समझता हूं कि उस को वोट देने का अधिकार ज़रूर दिया जाय । मैं तो यहां तक कहना चाहता हूं कि आप में जो 70 साल के हो गये हैं, उन का वोटिंग राइट काट दिया जाय, लेकिन 18 साल वाले को वोटिंग राइट ज़रूर दिया जाय क्योंकि हम देखते हैं कि एलेक्शन में उनको उठाकर लाते हैं और अन्दर जाकर कहते हैं कि यहां पर मोहर लाग दो । तो उनकी क्या ज़रूरत है ? आप उनका वोटिंग राइट काट दीजिए और 18 साल के जो हैं उनको वोटिंग राइट दे दीजिए ।

मैं जानना चाहता हूं क्या आपको पता है कि सारे देश में जो यूथ है, जो नौजवान है वे इसके लिए बड़ी देर से लड़ाई लड़ रहे हैं, उन्होंने पेटीशन दी, पार्लमेन्ट तक मार्च किया और सिग्नेचर करवाए और फिर सारे देश में एजिटेशन लांच करने जा रहे हैं ? इसलिए क्या आप ठीक समझेंगे कि यह तो इतनी जस्टिफाइड डिमाण्ड है उसको मान लें और 18 साल के जो व्यक्ति हैं उनको वोटिंग राइट दे दें ।

SHRI VASANT SATHE: If ability to become father or mother is the criterion, then it must be reduced to 15 for boys and 14 for girls.

MR. DEPUTY-SPEAKER: Order, order.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHURY): This is a vital question and much can be said on both sides. Those who want to support the proposal of Shri Chandrappan can say what he has said and much more and those who want to oppose it may also have something to say. I am not here to oppose the proposition.

This question arose in the past. A Commission known as the Latey Commission went into this question in Britain in 1960. The British Government took a decision during the last election. Countries like Australia, Belgium, Cameron, Canada, Chile, Ethiopia, the Federal Republic of Germany, Finland, France, Ghana, Greece, Iceland, Ireland, Italy, Labanon, Libya, Luxemburg, Morocco, Nigeria, Norway, New Zealand, Pakistan, the Netherlands, the Philippines, Sweden, Turkey etc. are having voting age of 21 years. There are countries which have the voting age at 23. Countries like Austria, Iran, Japan, Switzerland have voting age of 20.

Sometime back, a conference of Speakers considered this matter and they decided that the voting age should be 20. All these matters are under consideration of Government and a decision would be taken by Government thereon. That is all I have to say.

MR. DEPUTY-SPEAKER: We take up Discussion under Rule 193.

SOME HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER: Order, order.

DR. KAILAS (Bombay South): There was a Committee of Parliament, the Petitions Committee . . .

MR. DEPUTY-SPEAKER: Order, order.

श्री हुकमचन्द कछवाय : उपाध्यक्ष महोदय, व्यवस्था का प्रश्न है । मंत्री महोदय ने एक प्रश्न का भी उत्तर नहीं दिया है ।

MR. DEPUTY-SPEAKER: On this, it cannot be done. He says it is under the consideration of Government. I do not see what the excitement is about.

DR. KAILAS: He should have referred to what the Committee on Petitions has said.

MR. DEPUTY-SPEAKER: Discussion under Rule 193. Shri Samar Guha. (*Interruptions*) Order, order. Shri Samar Guha.

****श्री हुकम चंद कछवाय**

MR. DEPUTY-SPEAKER: Nothing will go on record. (*Interruptions*) Shri Samar Guha. I do not understand why Shri Samar Guha is so tame, so gentle today. I have called your name many times. You are extraodinarily tame and gentle today. I do not know why.

SHRI SAMAR GUHA (Contai): *rose*—

SHRI INDRAJIT GUPTA: The Minister of External Affairs must be present.

MR. DEPUTY-SPEAKER: That is a valid point. (*Interruption*).

SEVERAL HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER: Order please. The difficulty is, when one business is concluded, instead of one Member getting up and drawing my attention, five, six or seven Members speak at the same time. I do not know what is going on. That is my difficulty.

Now, that is a valid point. We are taking up this discussion on the statement by the Minister of External Affairs regarding the meeting of representatives of India and Pakistan. I do not see the Minister of External Affairs. How can the discussion take place?

THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI KEDAR NATH SINGH): He is coming. (*Interruption*).

MR. DEPUTY-SPEAKER: This is not the way; the whole business is held up because a particular Member of the Government is absent. This is not the way how the House should be treated. Either I adjourn the House for 10 to 15 minutes until the Minister is ready to come, or, we keep quiet here until the Minister comes.

I adjourn the House for 10 minutes until the Minister is ready. We meet again at 4.21 p.m.

16.11 hrs.

The Lok Sabha adjourned till twenty-one minutes past Sixteen of the Clock.

The Lok Sabha re-assembled at twenty three minutes past Sixteen of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

DISCUSSION RE: MEETING OF THE REPRESENTATIVES OF INDIA AND PAKISTAN IN NEW DELHI

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): Mr. Deputy-Speaker, I was coming to the House and I thought that the first speaker at any rate could start because some members of the Council of Ministers were present and the general convention has been that if any member of the Treasury Benches is present the discussion can start, unless of course the Minister concerned is expected to make a statement. I am sorry for the inconvenience.

MR. DEPUTY-SPEAKER: The Deputy Minister should at least have been here. . .

SHRI SWARAN SINGH: I think the convention has been that if there is any member of the Treasury Benches present, then at any rate the work can start.

SHRI SAMAR GUHA (Contai): After the torrential showering of bouquets and greetings on the Simla Agreement, the Government, the Government of India tried to create some kind of a colourful rainbow of hope and faith in this Indo-Pak Simla detente. It appears even before the ink on the agreement dried clouds started gathering on the skies of Pakistan and the vision of Pakistan getting blurred and one of my friends reminded me very justly that not rain of China but the storm of China gathering from the eastern side. When it appeared that the whole of the Simla agreement was going to be scuttled there was an SOS from our Prime Minister to resuscitate the drooping spirit of the

**Not recorded.

Simla agreement. The last agreement reached between the officials of India and Pakistan is another example of our classical faith, I should rather say inexhaustible faith, in the credibility of Mr. Bhutto, the hero of thousand years war against India.

I have in my participation in the discussion on the Simla agreement made it amply clear that as a socialist, as a democrat, as one born in India, when that India was not termed as the Indian sub-continent, India having a history of the part—still I have not lost the vision of that India---I made it explicitly clear that we want peace and peace is an absolute necessity not only for our survival but for the very existence of the people of this sub-continent. But in the discussion I made it clear that after 25 years of conflict, bitterness, chaos and communal feuds . . .

MR. DEPUTY-SPEAKER: Instead of these generalities, why not come to the communique? You have limited time.

SHRI SAMAR GUHA: This will go on upto 6 o'clock.

MR. DEPUTY-SPEAKER: But there are many members who want to speak.

SHRI SAMAR GUHA: After 25 years of bitterness and conflict, we had got a historic opportunity to create a real condition in this sub-continent for durable peace. But unfortunately because of our over-bearing faith in an unfaithful politician, like Mr. Bhutto we have missed that opportunity. Again I should say that, keeping almost all the important points vague, unexpressed and concealed in the document of the last Indo-Pakistan agreement, we have made another costly mistake. None of the major objectives . . . (*Interruption*). Please do not disturb me that way.

MR. DEPUTY-SPEAKER: I am not disturbing you. I am only trying to clarify which mistake—with regard to this official level meeting or what?

SHRI SAMAR GUHA: You are not in the treasury benches. You are an umpire.

MR. DEPUTY-SPEAKER: I am only trying to follow what you are saying.

SHRI SAMAR GUHA: None of the major objectives has been achieved, whether it is normalisation of relationship between India and Pakistan or durable peace. It was not the letter, but it was the hope—a hope was expressed on the floor of this House and outside that soon after the signing of the Simla agreement, Bangla Desh will be recognised by Pakistan. It was hailed by many as a positive achievment on the part of India that we have compelled Pakistan to commit itself to the principle of bilateralism and bilateral negotiations with India. But what do we find after a month? We find that the prospect of durable peace has not only receded, but it has gone far beyond the horizon of our reach. The most important point that was hailded as our positive achievement was the commitment of Pakistan to bilateral negotiations with India. But now for Pakistan bilateralism has assumed a multilateral meaning. As I said, before the ink of the Simla agreement dried, we find that Pakistan has successfully brought in the UNO.

When we say, UNO has no role in Kashmir, Pakistan from the beginning, even till today, is insisting that UNO has a positive role to play in our dispute over Kashmir with Pakistan. Pakistan has successfully brought in another country China. Not only UNO but even China has been brought in for deciding the relations between India and Pakistan. China has not only vetoed the admission of Bangladesh into U.N. but even Vice Minister of Foreign Affairs of China rushed to Pindi when the officials talks were going on in India. There was an official note from Pindi about it and Mr. Aziz Ahmed was asked to rush back to Pindi. To acquaint whom? Mr. Bhutto certainly. But he was also to acquaint the course of discussion, the result of discussion with India to their friend, China. On the same day, the Foreign Minister of Pakistan proclaimed that the cornerstone of the foreign policy of Pakistan is rests on an alliance and friendship with China.

Now, let us understand what Pakistan is saying. Although it has not been officially agreed, although it has not been officiallly quoted in the Simla Agreement, an impression was given that either before the next Summit talks or of official talks between the representatives of India and Pakistan, Bangladesh will be recognised. What has been the fate of recognition of Bangladesh? What has been the fate of our faith in Mr. Bhutto? We have seen that. We have also seen that the talks are going on and going on in regard to interpretation of the actual line of control and in regard to its delineation. We have seen in every press report that although two Generals were meeting, there were no positive results. About durable peace, it is better not to say much about it.

As I have already said, we have again made a costly blunder by agreeing to have an understanding, by agreeing to sign an agreement with Pakistan at official level, to withdraw our troops by 15th September. It is not some sort of an agreement. It is

said that it was a recommendatory agreement, and that the officials will recommend to their respective Governments the results achieved by them. What was the result? The Government of India agreed that by 4th September, the delineation along the actual line of control in Kashmir will be completed and by 15th, India will withdraw its armed forces from the occupied territory. Still, indirectly, a hint has been given by our Exernal Affairs Minister, both inside and outside the House, and an impression has been given again, that faith again, that hope again, that before the date of the next Summit meet is decided, Pakistan will recognise Bangaladesh.

What is the reply? What do we find? We now find that Pakistan feels it is a 'stickly problem'. I do not know whether it will loosen or stickiness will continue. Sir, you will remember, in this House, when the discussion about the Indo-Pakistan Summit talks was going on, I reminded, not once by several times that Bangladesh and India fought against Pakistan jointly, that they jointly signed the instrument of surrender of Pakistani army, it will be in all sense of propriety, in all sense of strengthening our fraternity with Bangladesh, that any peace treaty signed with Pakistan will have to be signed jointly by the fraternity of India and Bangladesh. If we had refused to agree to sit with Pakistan before Pakistan agreed to recognise Bangladesh, perhaps—why perhaps, certainly—the present problem, the present controversy, the present uncertainty in regard to the fate of Simla pact would not have arisen at all. That blunder the Government had committed by having bilateral talks with Pakistan and not trilateral talks—talks by the fraternity of India and Bangladesh with Pakistan. The result is that the prospects of normalisation of our relations with Pakistan are receding and the prospects of normalisation of our relations wih China are also receding.

We have accused China very rightly. It professes itself to be a progressive country, a revolutionary country. But they have exposed themselves by blocking the entry of Bangladesh into U.N.O. But who is to blame? I should say that it is not Pakistan, not Pindi, but we are to blame ourselves because we lacked in availing a strategic opportunity that was within our grip. We did not utilise that strategic opporunity and China has taken advantage of that. (*Interruption*). You will all remember the whole politics, the ideology of Mr. Bhutto; you will remember that, when he was Foreign Minister, he wrote several articles. He said that the future of Pakistan and the politics of his party rested on the friendship and alliance with China. But he failed. Their friendship and alliance with Pakistan had a big jolt during the last War. You will remember, in his National Assembly speech, Mr. Bhutto said—and I quote: "Yes, we got support from China, but with the tongue turned upside". (*Interruption*). These are not my words. These were the words of Mr. Bhutto. You heard the monitored report on Pakistan Radio, but I had the privilege of reading the whole of the original speech of Mr. Bhutto. It was because the hope of Pakistan on China was belied in the last War, Now China has got the opportunity to salvage the lost faith of Pakistan in China by rushing to Pindi on the one side and trying to block the entry of Bangladesh into the U.N.O. on the other.

As I had said, if we had made it a condition that India would not agree, under any circumstances, to sit with Pakistan, to sign any peace treaty with Pakistan until and unless Pakistan recognised Bangladesh, this problem would not have arisen and this new fraternity, the new axis that Pakistan is trying to build up with Peking again would not have arisen, perhaps China would not have got that opporunity.

It has been said that the letter of Simla Agreement is not so much important as the spirit involved in it—the spirit of durable peace. By that a pervasive and false spirit is tried to be created in this country and in this House also that the Government believe that Pakistan and Mr. Bhutto have almost undergone some kind of a political metamorphosis. But when you ask, 'If it is so' why not Mr. Bhutto . . . (*Interruptions*).

MR. DEPUTY SPEAKER: The hon. Member's time is up.

SHRI SAMAR GUHA: I was told I would get . . . (*Interruption*). I do not know.

SHRI SAT PAL KAPUR (Patiala): He is not making any point.

SHRI SAMAR GUHA: The point is not in your head. Your head is blocked ... (*Interruptions*).

MR. DEPUTY-SPEAKER: Instead of paying attention to them, why don't you pay attention to me? Now, please conclude.

SHRI SAMAR GUHA: How can I conclude? I was told . . . (*Interruptions*) I do not understand . . . (*Interruptions*).

MR. DEPUTY-SPEAKER: Order, please. What you were told, I do not know. If you want me to go strictly by the Rules, not more than one hour can be given to this entire discussion . . . (*Interruptions*). Order, please. I was just pointing out as to what are the Rules in the House because he said, 'I have been told that I will be given so much time'. I am not told that you will be given so much time. I am not aware that anybody has told you.

SHRI JAGANNATHRAO JOHSI (Shajapur): Nor are we aware.

MR. DEPUTY-SPEAKER: Order, please. I am only pointing out that if we are to go strictly by the Rules, not more than one hour will be given to the entire discussion out of which Mr. Guha has taken almost 20 minutes. Now, kindly conclude.

SHRI SAMAR GUHA: But there were so many disturbances . . .

MR. DEPUTY-SPEAKER: If we are to go by one hour, then you should not be given more than 10 minutes. Now, please conclude.

SHRI SAMAR GUHA: I want to draw your attention that when I raised the discussion on China, I said that the danger before India is now that Pakistan, instead of really having durable peace with India, having a real total approach of friendship and reconciliation with India, is trying to take advantage of the friendliness of India and is trying to develop a new Axis, an axis of Pindi, Peking and Tehran. This is the new Axis they are trying to develop. If it is so, the position will be that the whole prospect of durable peace will not only recede but will become completely illusory.

MR. DEPUTY-SPEAKER: The hon. Member's time is up.

SHRI SAMAR GUHA: What do you mean by this? . . .

MR. DEPUTY-SPEAKER: Please conclude.

SHRI SAMAR GUHA: At least I will take ten minutes more. I cannot conclude . . . (*Interruptions*).

MR. DEPUTY-SPEAKER: Order please. No, No. Now, conclude please. I think you expect me to be fair to everybody in this House and I expect you to be fair also. You cannot say you should be given 10 minutes more. If I am to go by the Rules, I have given you more than double the time you should take. Now, kindly cooperate and try to conclude.

PROF. MADHU DANDAVATE (Rajapur): Sir, I was watching. His speech has taken only 8½ minutes.

SHRI SAMAR GUHA: I cannot understand this. You cannot control the House? At what time did I start?

MR. DEPUTY-SPEAKER: Order, please. Controlling the House against heckling depends not only on the Chair, but it depends upon what a particular Member says at a particular time. Now, please conclude.

SHRI SAMAR GUHA: In his speech in the National Assembly of Pakistan, Mr. Bhutto said that Pakistan has not only been politically demolished but ideologically also demolished. The dilemma before Pakistan now is either to have the friendship of India or to pursue the policy of politics of divergence which it pursued for the last 25 years. For the last 25 years, Pakistan pursued the policy of politics and the politics is the politics of discord, the politics of divergence of the two-nation theory. Not only that, Sir, the politics of denying Pakistan's identity with the history, geography and civilisation of the Indian sub-continent.

They are trying to revive a new theory. We have noticed that what Mr. Bhutto says is not a language of durable peace. He talks in terms of Muslim Bengal. On the 14th of August, what did he say? He said, our two-nation theory is still continuing; our Muslim-nation theory is still continuing. This is their attitude . . .

MR. DEPUTY-SPEAKER: This is a good note on which you can conclude.

SHRI SAMAR GUHA: If they develop this new axis, what will happen? There will be two flanks instead of one, apart from one from West Asia and the other from China. Pakistan is trying to identify itself not as a sub-continental country but as a West Asian country. By that Pakistan is trying to revive the theory of 'Pan Islamism'. The Pan Islamic theory if developed will give a new life for revival of the decadent Muslim nation theory, theoratic theory for Pakistan.

MR. DEPUTY-SPEAKER: You have said all that.

SHRI SAMAR GUHA: Let me conclude. This is the danger before us; this is the mistake we have made, without taking the overall picture of durable peace. I will make a last minute appeal to the Government. Before Pakistan agrees to recognise Bangladesh and agrees to accept in letter and in spirit the idea of bilataralism in the relations between India and Pakistan, India should not agree to withdraw our troops from the occupied territory. You are relying too much on the strategy of holding the POWs. As you have seen already, Mr. Bhutto is trying to activate international propaganda against India. You should know what China has in its arena; you should know its strategy. We should see this strategy of China . . .

MR. DEPUTY-SPEAKER: Now you should conclude, Mr. Guha.

SHRI SAMAR GUHA: If we withdraw before Pakistan recognises Bangladesh, if we withdraw before they agree both in letter and in spirit to the principle of bilataralism, we will have another cause for regret.

श्री सतपाल कपूर : (पटियाला) : डिप्टी स्पीकर साहब, हमारे दोस्त मि० समर गुहा

ने इस मामले को बहुत हद तक उलझाने की कोशिश की है और सारे हाउस को कंफ्यूज़ करने की तरफ उन्होंने कोशिश की है। मि० समर गुहा सिम्बल आफ कंफ्यूज़न हैं और हमें भी कंफ्यूज़ करना चाहते हैं। जहां तक इस कांफ्लिक्ट को सेटिल करने का सवाल है, उस सिलसिले में जितने कदम उठाए गए उसमें हमारी पालिसी, इंडिया की पालिसी बहुत साफ और सीधी थी। हम किसी ताकत को दर्म्यान में लाकर समझौता नहीं करना चाहते थे। वे क्या करते हैं इनकी जिम्मेवारी हमारी नहीं हैं। ...(**व्यवधान**)...इंडिया की पालिसी साफ और सीधी थी और हम उस पालिसी पर कायम हैं। हमारी कोशिश, हमारा तमाम ज़ोर इस तरफ रहेगा कि हम इस खित्तए ज़मीन पर यह कोशिश करें कि कोई तीसरी ताकत हमारे दर्म्यान में आकर हमारे झगड़े न निबटाये। इस कोशिश की तरफ हमने एक पहल की और उस पहल का नतीजा नज़दीक आया, शिमला समझौते की सूरत में।

दूसरे हमारे भाई समर गुहा ने ज़िक्र किया चीन का लेकिन वे इस बात का ज़िक्र नहीं कर पाते कि यू० एस० ए० की इस सिलसिले में क्या पालिसी है। वह उस तरफ़ ध्यान नहीं देते, उस की चर्चा नहीं करते...

श्री समर गुहा : निक्सन चाउ-एन-लाई भाई भाई हैं।

श्री सतपाल कपूर : एक भाई का जिक्र करते हैं और दूसरे भाई की तरफ़ आप आंख बन्द करते हैं यह मेरे ख्याल में गलत करते हैं। अभी हमारे और पाकिस्तान के अधिकारियों की मुलाकात हुई उस में एक बात साफ़ हुई है कि हम अपनी पालिसी से, स्टैन्ड से अपनी नीति से कहीं हिले नहीं। हम ने इ्यूरेबिल पीस की बात कही और उन को यही बात समझायी। अब अगर वह उस तरफ़ चलते हैं तो यह उन के ही हित में है।

हम ने एक समझौता किया उस पर अमल हो रहा है। उस समझौते की कोई क्लाज़ ऐसी नहीं है जिस के बारे में कोई भाई यह कह सके कि उस क्लाज़ को फ़लां पार्टी ने तोड़ा। यह ठीक है कि कुछ लोग दुनिया के मुमालिक, कुछ बिग पावर्स हैं जो यह चाहते हैं कि यह समझौता नाकाम हो, और इस हाउस में कुछ ऐसी पार्टियां और लोग हैं जिन को चिन्ता है, जिन की अपनी पोलिटिक्स यही है कि यह समझौता नाकाम हो जिस से वह श्रीमती इन्दिरा गांधी की गवर्नमेंट पर अटेक कर पायें। इसलिये जब कोई दुनिया की ताकत इस समझौते को तोड़ने की तरफ़ कदम उठाती है तो कुछ लोगों के चेहरे पर खुशी नज़र आती है। इस देश का इंटरेस्ट क्या है, इस खित्तये ज़मीन का इंटरेस्ट क्या है ?

हमारा और पाकिस्तान का पर्मानेंट समझौता हुआ। हम जंगबाज़ी से दूर हों यही हमारा, और इस देश की 55 करोड़ जनता का इंटरेस्ट है और पाकिस्तान की जनता का इंटरेस्ट भी यही है। हम उस इंटरेस्ट की नुमाइन्दगी करते हैं, हम उस जज़बे की नुमाइन्दगी करते हैं और अपने लोगों की नुमाइन्दगी करते हैं और अपनी सरकार की तरफ़ से पाकिस्तान के लीडरों को और वहां की जनता को इस दलदल से निकालना चाहते हैं। लेकिन हमारे यहां और पाकिस्तान में इनके काउन्टर पार्टस हैं और वह यह चाहते हैं कि हम लोग जंगबन्दी की दलदल में फंसे रहें। कुछ वर्ल्ड पावर्स भी यह चाहती हैं। इसलिये इस मौके पर ऐसी बातें करना उचित नहीं है। मैं पूछ सकता हूं, हम ने पहले समझौता किया दूसरी बार यहां बातचीत हुई और तीन सितम्बर को हमारे कमान्डर्स बातचीत कर रहे हैं।

जंगी कैदियों के बारे में हमारा स्टैन्ड बिल्कुल साफ़ है। पाकिस्तान का इंटरेस्ट इस समझौते को कामयाब करने में है। अगर पाकिस्तान अपने इंटरेस्ट के खिलाफ़ जाता है तो उसकी जिम्मेदारी हमारे सर पर नहीं है। पाकिस्तान के ऐक्सट्रिमिस्ट्स, इन के काउन्टर पार्टस जो पाकिस्तान में हैं वे क्या चाहते हैं जंगी कैदी वापस आयें। वह किस तरह वापस आयेंगे ? जंगी कैदी तब तक वापस नहीं आयेंगे...

SHRI SAMAR GUHA: I protest against this. I want to set the record straight. I started by saying that there should be durable peace and Simla Pact was an opportunity for establishing durable peace. The hon. Member is completely distoring my speech. I never said that. I said that we had the greatest and historic opportunity of having a durable settlement. But we have missed this and we are now running only after a mirage of peace.

श्री सतपाल कपूर : पाकिस्तान के जंगी कैदियों के बारे में हमारा स्टैन्ड बिल्कुल साफ है। वार प्रिज़नर्स के बारे में हम अपनी बातचीत पाकिस्तान से तब तक नहीं करेंगे जब तक तीसरा मुल्क, यानी बंगला देश को इस बातचीत में शामिल नहीं किया जाता क्योंकि वह देश इस में इनवाल्व्ड है। इस तरह से तीनों मुल्क—बांगला देश, भारत और पाकिस्तान बैठ कर इस पर सोच विचार करें। पाकिस्तान में ऐक्सट्रीमिस्टस हैं वह यह चाहते हैं कि जंगी कैदी भुट्टो साहब जल्दी वापस ले आयें। पाकिस्तान के इनटरेस्ट में यह है कि वह जल्दी से जल्दी बांगला देश को तस्लीम करे ताकि जंगी कैदियों की रिहाई के मसले पर गौर किया जा सके। इसलिये आज अगर कुछ लोग यहां पर या वहां पर या दुनियां के दूसरे हिस्सों में, या कुछ बड़ी ताकतें पाकिस्तान को बरगलाती हैं तो हम तो अपना रास्ता नहीं छोड़ रहे हैं। हम अपने रास्ते पर कायम हैं। पाकिस्तान का इंटरेस्ट और पाकिस्तान की जनता का इंटरेस्ट इस बात में है कि वह जल्दी से जल्दी बंगला देश को तसलीम करे। इस लिये वे नहीं समझ पाता कि पाकिस्तान के लीडरान अपने इंटरेस्ट के खिलाफ चलेंगे।

MR. DEPUTY-SPEAKER: Shri H. N. Mukerjee.

PROF. MADHU DANDAVATE: Just to put the record straight . . .

MR. DEPUTY-SPEAKER: What straight? What record? Whatever has gone on record is straight, because I have admitted it. What more do you expect?

PROF. MADHU DANDAVATE: Lest there be a distortion, I want to make it very clear that in this House all the parties, except the Jan Sangh, had actually supported the spirit of the Simla Pact, only the Jan Sangh had totally opposed the Simla Pact. I want that to be put on the record in this House.

SHRI H. N. MUKERJEE (Calcutta North-East): Mr. Deputy-Speaker, Sir, the Simla Agreement had received, as far as one can tell, nearly universal approval in this country, but the difficulty has arisen in regard to implementation of the terms of that Agreement. In the statement which the Minister of External Affairs laid on the Table the other day, if one reads between the lines, there is reason for a certain amount of perturbation. If the newspaper reports were correct in regard to the statement that the recent meeting of Indian and Pakistani officers could be salvaged from failure by the Prime Minister's last-minute intervention or some such dramatic event, than that itself is a disquieting fact. And the disquiet is warranted because of the well-known Pakistani Propensity towards getting out of the Simla Agreement, getting out of whatever commitments they have entered into if and when they can.

I would like to know from the External Affairs Minister a little more about what we are doing to make sure in international forums and elsewhere to prevent this kind of Pakistani activity which is now being conducted in the United Nations, in Dacca and elsewhere and elsewhere with the assistance of China's new-found friend, America, China and Pakistan colluding together in the United Nations and elsewhere to move in a manner which would go against the proper implementation of the Simla Agreement.

We have heard in the United Nations, Mr. Chiao Kuanhua's ferocious growls against India. We notice again again when the Chinese leaders come to Pakistan a Sino-Pak connivance of a sort which does not auger well as far as genuine implementation of the Simla Agreement is concerned. We see also that it did not take very long for President Bhutto to start misinterpreting what had been agreed to in Simla. I know our Ministers tell very correctly that whatever is laid down in black and white in an agreement is a great deal more important than an official pronouncement made perhaps on the spur of the moment somewhere either on the radio or in the press or something like that. But at the same time we know of this fact of President Bhutto being a kind of mercurial person who does, on account of a certain perverse variety of cleverness succeed in wriggling out of situations in which he finds himself. Therefore, progress towards peace in our sub-continent may not be as smooth as we desire. That is why we must be careful; we should not lower our guard.

17 hrs.

I am reminded, when I think of Mr. Bhutto, of a story which has been related by Clemenceau in regard to President Wilson. It seems at the time of Versailles

of 1919, somebody had asked Clemenseau whether in French 'disaster' and 'accident' mean the same thing. He said he had noticed in the streets of Paris news of a railway accident, and in the newspaper hoardings sometimes it was said 'disaster'—"*desastre en le chemin de fer;*" and in other places, it was written as 'accident'—"*l ' accident sur le chemin de fer*". He asked Clemenceau, "Mr. Clemenceau, does 'disaster' and 'accident' mean the same thing in French?" President Clemenceau told him, "No no; not at all. On the contrary, for instance, if President Wilson fell into a well, it would be an accident; if he got out of it, it would be a disaster."

If Mr. Bhutto had fallen into a well, diplomatically speaking, it is from his biographical point of view, an accident, but if he can be allowed to get out of it, it would be a disaster not only for India and Pakistan but for the rest of the world. And that is why I say we have to be very careful and we have to make sure about what we are doing.

I am trying to conclude because there is no time.

I would like the Minister to explain, now that the new cease fire line in Kashmir is considered by India and Pakistan to be entirely outside the juridiction of the United Nation or any third party—that is according to the Simla agreement—why is it that our two countries have not succeeded in disbanding or getting rid of the United Nations military observers group in India and Pakistan which is functioning in Kashmir even though they might be unemployed?

In the Simla agreement, it has been categorically held that the return of occupied territory on either side of the international boundary is only a first step towards a durable peace attainable only on the basis of an exclusively bilateral understanding; that is to say, a durable peace can be founded only upon an exclusively bilateral understanding between our two countries. In that case, in so far as the problem of Kashmir is concerned, we have to make sure that on no account shall we allow Pakistan to take it over to any international forum or to bring any other kind of hocus-pocus in regard to that problem.

I would like to have a clarification from the Minister in regard to the question of the return of the prisoners of war. I am happy he has reiterated the Indian position, which is that the return of Pakistani prisoners of war requires the approval of Bangladesh, because we had been functioning with a joint military command, and this approval of Bangladesh is not likely till Pakistan recognises Bangladesh. This is a very good stand that we have taken. I wish we stick to it. But my question is, how is it that in so far as the world is concerned, India does not seem to be able to convince the different powers in the United Nations or elsewhere that there actually had been a joint India-Bangladesh command and that we cannot deal with the question of prisoners of war on our own alone to the exclusion of Bangladesh? All the world over, even some friendly countries are confused in regard to this question. They say, "Let India return the prisoners of war; India has got 90,000 odd Pakistani prisoners of war and under the Geneva convention they should be returned and India has always professed to behave very well. We know for a fact that India and Bangladesh had a joint command and these prisoners of war are prisoners of India and Bangladesh together, and unless Bangladesh agrees, we cannot let them go.. The world does not understand it. What are the reasons for the failure of India in the world forums to convince the powers, the members of the United Nations and other bodies of this very simple fact? Is it an account of not only the Sino-Pak-USA collusion but also on account of some default on our part, some default in so far as explaining our position is concerned?

I feel, therefore, that while the Simla agreement has been unanimously approved in this country, the implementation programmes are causing a great deal of headache. I read the statement placed on the Table of the House by the Minister, and I find that there are still some reasons for perturbation, but I do hope he would be able to say that India would stick to a principled position and India would be able to see to it that the miscreants either in China or in Pakistan or in the United States, or all of them together, would not be allowed to put again the peace of our sub-continent into jeopardy.

श्री दरबारा सिंह : (होशियारपुर) : डिप्टी स्पीकर साहब, श्री समर गुहा ने जो सवाल उठाया है, उस के मुताल्लिक मैं सिर्फ इतना ही अर्ज करना चाहता हूं कि दुनियां में दो बड़ी जंगें हुईं, लेकिन उन में भी आप को इतना सिविलाइज्ड प्रेसिडेंट नहीं मिलेगा कि फ़ातेह ने शिकस्तखुर्दा के साथ ऐसे मुहज्जब तरीके से सलूक किया हो। हम ने शिमला एग्रीमेंट इस लिए किया, ताकि हम इस सब-कान्टिनेंट में अमन के हालात पैदा कर सकें और उस के जरिये दुनियां भर में अमन कायम करने में मदद कर सकें। इसीलिए सारे हिन्दुस्तान के लोगों ने शिमला एग्रीमेंट को सपोर्ट किया और उस की

सताईश की । यही नहीं, सारी दुनियां में लोगों और खासकर यू० एन० ओ० मुख्तलिफ मुल्कों, की तरफ से यह कहा गया कि वी आर सैटिसफ़ाइड ।

माननीय सदस्य ने बार-बार यह सवाल उठाया है कि जब हिन्दुस्तान और पाकिस्तान में सब मामलों को बाई लेट्रल ढंग से हल करने का समझौता हुआ है, तो फिर पाकिस्तान के साथ चाइना के ताल्लुकात क्यों बढ़ रहे हैं । यह देखना हमारा काम नहीं है । जब बाइलेट्रल डिसिज़न्ज़ के बारे में यह एग्रीमेंट नहीं हुआ था, तो उस वक्त भी पाकिस्तान के साथ चाइना के ताल्लुकात कोई कम नहीं थे-वे वैसे ही थे । अब तो पाकिस्तान को यह शऊर और होश आ गया है कि कोई भी दूसरा मुल्क, चाहे वह चाइना हो या यू० एस० ए०, वक्त पर उस को इमदाद नहीं दे सकेगा, इस लिये हमें इस सब-कान्टिनेंट में अमन लाने के लिये हाथ बढ़ाना चाहिए । इसी के नतीजे के तौर पर शिमला एग्रीमेंट हुआ है ।

आज से नहीं, हम पंडित ज्वाहरलाल नेहरू के वक्त से ही इस कोशिश में रहे हैं कि हमारा मुल्क और पाकिस्तान अमन से रहें । उन्होंने 1949 में कहा था कि हम पाकिस्तान के साथ नो-वार पैक्ट करना चाहते हैं, लेकिन लियाकत अली ने उन के आफर को रिजेक्ट कर दिया 1959 में फिर यह प्रोपोजल सामने आया तो किसी बात पर-काश्मीर के सवाल पर-वह, बात फिर लटक गई । मौजूदा प्राइम मिनिस्टर ने 1968 में 15 अगस्त को कहा कि हम पाकिस्तान के साथ नो-वार पैक्ट चाहते हैं । हम तो लगातार इस कोशिश में रहे हैं कि संसार भर में अमन कायम हो और इस के लिये हम चाहते हैं कि हम अपने पड़ौसी मुल्कों के साथ अमन कायम करें, ताकि हम दुनियां को दिखा सकें कि जिनके साथ हमारी लड़ाई हुई है, हम उन के साथ भी अमन से रहना चाहते हैं ।

चाइना का सवाल बार-बार उठाया गया है । मैं श्री समर गुहा से पूछना चाहता हूं कि अगर हम पाकिस्तान के साथ लडने लग जाए तो क्या चाइना उस की इमदाद करना छोड़ देगा । नहीं । हर एक मुल्क और खास तौर पर हर एक डेवेलपिंग कन्ट्री यह चाहेगा कि उस के यहां और उस के पड़ौसी मुल्कों में अमन कायम हो, ताकि उस की आर्थिक व्यवस्था, इकानोमिक कन्डीशन, में सुधार हो और जो रुपया जंगों पर खर्च किया जाता है, वह इकानोमिक कन्डीशन को बेहतर बनाने पर खर्च किया जायें । इस लिये हम अपने सब-कान्टिनेंट में और दुनियां भर में अमन चाहते हैं । सिर्फ कुछ जंगजू लोग ऐसे हैं, जो ताकत के नशे में डिक्टा-टोरियल ढंग से दुनियां को हड़प करना चाहते हैं, लेकिन हिन्दुस्तान और पाकिस्तान के लोग, और सारे संसार के लोग, अमन चाहते हैं ताकि सब लोगों को रोटी, कपड़ा और मकान मिले और इस के लिये वे एजीटेशन कर रहे हैं ।

हम ने ताशकंद समझौता किया, हमने रशा से भी समझौता किया हम ने कई और मुल्कों से समझौता किया और हम हर मुल्क से समझौता करना चाहते हैं । हम चाहते हैं कि अमन कायम करने के लिये हम हर मुल्क की तरफ अपना हाथ बढ़ायें । लेकिन हन ने यह एक रेसपेक्टफुल तरीके से किया है । यह नहीं कि हम ने सब कुछ दे दिया है और कुछ नहीं पाया है ।

ऐसी बातें जो डिजैक्शन की लोग कर रहे हैं——(इंटरप्शंज) अब गुहा साहब को तो एक फोबिया बना हुआ है चीन का लेकिन इसी हाउस में यह बात रखी गई है, हम लोगों ने चीन को यू० एन० ओ० में ऐंट्री दिलाने के लिये कोशिश की तो इसमें कोई दो रायें नहीं हैं कि दुनियां में जितना भी टशन है उसको क. करने के लिए लाजिमी तौर पर ऐसे हालात पदा किए जाएं जिस में दुनिया की सभी उन ताकतों का इन्वाल्वमेंट हो जो इसस ताल्लुक रखती हैं, ताकि टैंशन कम हो सके, ताकि एक बंदिश में आ कर लोग

कुछ स ढंग की बात सोच सकें कि दुनियं के ग्राबिट में हमें कसें रहना है। इसलिए मैं इल्तजा करता हूं कि ऐसे सवालात जो नए सिरे से उठाए जा रहे हैं, जिन के लिए सारे हिन्दु तान के लोगों ने, तमा। पार्टियों ने, किन्हीं दो चार व्यक्तियों को छोड़ कर, सारे देश के लोगों ने इस बात की तसदीक की है कि शिमला ऐग्रीमेंट इस सब कांटिनेंट में ग्रमन कायम करने के लिए ग्रौर संसार को रास्ता दिखाने के लिए एक सही कदम है, इसलिए इन सवालात को न उठाया जाए।

SHRI DINEN BHATTACHARYYA (Serampore): Sir, our party spokesman has clearly mentioned our view about the Simla agreement. We fully supported the agreement. Now it is the follow-up action which we are discussing. I fully agree with the steps that have been taken, which will make it possible to maintain durable peace in our sub-continent. Even now if Pakistan does not recognise the reality of Bangladesh as an independent country, it will do so at its own peril. It will neither help the Pakistani people nor help to bring peace in this sub-continent. At the same time, we express our strong resentment at the behaviour of China in the UNO, because it blocked the entry of Bangladesh, which is a free country. Thereby it helped the reactionaries of the world and of this sub-continent. Only the reactionaries have been perturbed by the follow-up actions that have taken plac about the delineation of the actual line of control in Kashmir and the other steps. We express our difference with the mover of this discussion as well as the Jana-Sangh, whose activities will not help the democratic movement in our country. If durable peace is there, we will be in a better position to fight against the reactionaries of our country as well as in the world. So, only reactionaries will be unhappy at this follow-up action. We do not want the intervention of any imperialist country; we want Pakistan and India to settle all their problems in a bilateral way. That is the easiest and the only solution to the problems in our sub-continent.

SHRI S. A. KADER (Bombay-Central-South): Sir, I was listenting to the poetic speech of Mr. Samar Guha, with his rich imagination. With all his fanfare, one could see that the whole poetry was based on fear complex. I would leave it to the minister to reply to his points.

But he has raised some two or three points in which he has said about Pan-Islamic movement. Mr. Guha should understand what Pan-Islamic movement is. It has always been in the air and it is always going to remain in the air. Even the Arab countries are not united. Iran and Arab countries do not consider themselves as a part of the Pan-Islamic movement . . .

MR. DEPUTY-SPEAKER: Why go into all that?

SHRI S. A. KADER: Because he has raised that thing.

MR. DEPUTY-SPEAKER: If he has been irrelevant, that does not mean you should also be irrelevant.

SHFI S. A. KADER: Anyway, the Pan-Islamic movement should not be taken as a fear complex. That fear is still in the mind of the hon. Member. I am sure that movement is never going to materialise. Though Pakistan may try its best, it will never materialise . . . (*Interruption*).

MR. DEPUTY-SPEAKER: Order, order. I do not want compounding of irrelevancy here. If one Member is irrelevant, that does not mean the other Member should also become irrelevant. If that continues, where will we land?

SHRI SAMAR GUHA: On a point of order, Sir. Is it befitting on the part of the Chair to remark that one part of the speech of a Member is irrelevant?

MR. DEPUTY-SPEAKER: Yes.

SHRI SAMAR GUHA: I want to know. Our whole objective of Simla Pact is based on the concept of durable peace. Durable peace means, ultimately, friendly reconciliation . . (*Interruption*).

MR. DEPUTY-SPEAKER: Order, order.

SHRI SAMAR GUHA: It is very unfair, it is very unjust, I should say, to make this remark . . .

MR. DEPUTY-SPEAKER: All this is irrelevant.

SHRI S. A. KADER: Sir, I bow to your ruling. I will not go into all these controversies. But the fear complex about Pakistan having Pan-Islamic movement has no context . . . .

MR. DEPUTY SPEAKER: Will you accept with grace that you are irrelevant? Please come to the Pact, the subject-matter under discussion.

SHRI S. A. KADER: I will be more relevant, according to you.

The Simla Pact was initiated by the effort of our Prime Minister. It concluded in what is known as a bilateral agreement between the two countries. Some doubts had risen and the Prime Minster took another initiative by calling high officials of Pakistan to come over and clarify the position. What wrong has been done I fail to understand. If the charge is that we are not very careful about the implementation

of the Agreement, is it not clear that we are always watching and, whenever a new situation arises, at once, steps are taken to see that it is clarified? The calling of Pakistan officials is a step in that direction.

They have come here and, again, a kind of agreement has been made between our two Governments to be ratified, of course, and it will be ratified. What is it? Have we given away any point? Have we conceded any point to Pakistan? No. According to the mutual agreement, we have not conceded even a single point. On the contrary, we have clarified that unless and until the line in Kashmir is defined, the withdrawal of our troops will not take place. If the line is not defined, I think, the withdrawal will not take place. That is the step we have taken. It is not out of fear complex but it is out of our own strength that we have asked them to come to that term.

About Bangladesh and China and all these things, we are hearing many things. We are not concerned with that. Have we not made clear to Pakistan that unless and until Bangladesh is at the table, the prisoners of war question will not come at all? There cannot be any bilateral talk between India and Pakistan. Unless and until the joint command is present, the prisoners of war question will not be decided. What more do you want? The Simla Agreement, as it stands, has been further fortified by the recent agreement that has been brought about. It may be that we hear so many rumblings across the border. The people might say something in context and out of context on this issue. We are not to take into consideration that thing. We have to take into consideration only two things. One is our own strength and the other is the agreement written in black and white.

If that is to be implemented, I think, we have not done anything wrong in inviting these people and having a negotiation. India should try, till the last moment, to see that the Simla Pact, in its spirit and in action, is successful. If Pakistan backs out, it is for them to decide. But as far as we are concerned, it will be our responsibility to see that the last effort is made to see that the Simla Pact succeeds in the interest not only of our country but even in the interest of the whole sub-continent and even in the interest of world peace.

*SHRI E. R. KRISHNAN (Salem): Mr. Deputy Speaker, Sir, the Simla Pact between India and Pakistan has been hailed by more than 75% of the people of our country and also by many countries of the world. The Prime Minister of India and the President of Pakistan signed this epoch-making Pact on July 2-3 and it was hoped that the seeds of durable peace in the Indian sub-continent had been sown by this Pact. In spite of repeated efforts of the Military Commanders of both the countries, an agreement regarding the delineation of 17th December Cease Fire line in Jammu and Kashmir could not be reached. With a view to implementing the Simla Pact the Prime Minister of our country wrote to President Bhutto that a meeting between the officials of both the countries should be held to review the process of implementing this Pact and on that basis the recent Indo-Pakistan Joint Communique has been issued after successful deliberations of the officials of both the countries, laying down certain norms for implementing the Simla Pact.

Only after the 17th December Cease Fire line in Jammu and Kashmir is delineated, the troop withdrawals will take place. When we are making conscious efforts to implement the Simla Pact, it is regrettable that Pakistan Radio is indulging in mischievous and adverse propaganda about the implementation of the Simla Pact.

Sir, ten days before, the Chinese Government exercised its veto debarring the admission of Bangla Desh into the United Nations, when the Resolution was sponsored in the Security Council. It is unfortunate that China did not appreciate the good faith in our repeatedly supporting the admission of China into the world body during the past two decades, though America had been consistently thwarting the admission of China into the United Nations. By vetoing Bangla Desh's admission into the world body, I fear that China and Pakistan are hatching a conspiracy against India and Bangla Desh. When the officials of the two countries were meeting in New Delhi, a Chinese Vice Foreign Minister was having discussions with President Bhutto. It is obvious that China and Pakistan are colluding to perpetuate the disturbed conditions in the Indian sub-continent.

We say and we are also earnestly striving to have peaceful relations with Pakistan. We want to restore amity between India, Bangla Desh and Pakistan by settling the controversies peacefully. We are sure that durable peace alone will be good for India, Pakistan and Bangla Desh. I want to point out that if Pakistan wants to ensure a prosperous and peaceful future for her people, if Pakistan wants to act according to what she committed in writing, then she must put an end to Pakistan Radio's adverse reaction to Simla Pact and the recent Joint Communique and also to anti-Pact comments in Pakistan newspapers. Otherwise, this trend is bound to create suspicions in our minds.

*The original speech was delivered in Tamil.

Sir, India wants to create a climate of good faith between two countries. India has been the strongest advocate for peaceful cooperation between countries of the world. We should wage an unrelenting struggle against tendencies, from whichever power it might come, to create tensions among the nations of the world. Through you, I would request the hon. Minister of Defence that we should be prepared to face any unforeseen eventuality. We should continue to be in a strong position militarily to face any danger that might come at any time from any source.

We have shown our good faith towards Pakistan on both the occasions—in signing the Simla Pact and also in signing the Joint Communique issued by the officials of two countries. Pakistan President seems to be taking a wrong direction. In the interest of durable peace in the Indian subcontinent, he should try to implement the Simla Pact. Here, I would only say that we should not vacate the Pakistan territory occupied by us during the recent war nor we should release the prisoners of war numbering a lakh nor we should withdraw our forces from the borders, till the 17th December Cease Fire line in Jammu and Kashmir is delineated. At the same time, India should endeavour earnestly till the end to find out mutually agreed solutions to the outstanding problems between the two countries on the basis of mutual faith and understanding and in the interest of durable peace in the Indian sub-continent so that the Governments of the countries in the area can work with single-minded devotion for the amelioration of the living conditions of the people in the sub-continent.

With these words; I conclude.

श्री सैयद अहमद आगा (बारामूला): जनाब डिप्टी स्पीकर साहब, माननीय समर गुहा की तकरीर सुनी तो यह मालुम हुआ कि वह पिछले जमाने को देख रहे हैं। जब कि हमारी यह कोशिश है कि एशिया में अमन कायम हो। हम चाहते हैं कि इंडियन सब कान्टीनैंट में पायदार अमन हो, हम चाहते है कि यह मुल्क तरक्की करें और उस लेविल पर आये जिस लेविल पर और तरक्की याफता मुल्क हैं। तो मुझे एक शेर याद आया :

> परवर्दये आगोशे चमन यों तो हैं दोनों,
> कांटों की जुबां और है फूलों की जुबां और।

भुट्टो साहब ने कहा था कि हजार साल तक लड़ेंगे, लेकिन उसको वह अब खुद भूल गये।

श्री समर गुहा : भूले नहीं, उस की फिलोसाफिकल डैफिनीशन दे दी।

श्री सैयद अहमद आगा : हम ने शिमला ऐग्रीमेंट बाइलेटरेलिज्म हासिल किया, क्या वह हमारी कामयाबी नहीं है। माननीय समर गुहा तो वह रोल अदा कर रहे हैं जो इम्पीरियलिस्ट पावर्स करती है। जैसे अंग्रेजों ने दो नेशन की थ्योरी के आधार पर हमारे मुल्क के दो हिस्से कर दिये ताकि हम हमेशा लड़ते रहें। हम बाइलेटरेलिज्म को कायम रखना चाहते हैं, लेकिन वह चाहते हैं कि कानफ्लिक्ट बना रहे। इसलिए हमारे और उन के एप्रोच में बहुत बड़ा फर्क है। इसलिए बाइलेटरेलिज्म को कामयाब करना हमारे लिए मुफीद है और उस तरह की तमाम बातों को छोड़ दें जो बाइलेटरेलिज्म कामयाब होने के मनफी है।

हम ने जंग नहीं की। हमारे मुल्क में एक करोड़ आदमी ढकेल दिए गए। हमारी इच्छा थी कि वह अपने मुल्क को वापस जायें। इसलिये हमने उन की मदद की। मगर जब वैस्टर्न फ्रन्ट पर हमारे ऊपर हमला हुआ तो अपनी हिफाजत के लिये फ़ौजें भेजी गयीं। पाकिस्तान को जीतने के लिये नहीं गयीं।

MR. DEPUTY-SPEAKER: All that is history, known to everybody. What you say are all generalities and repetition of the known position.

श्री सैयद अहमद आगा : हमने अपने को डिफ़ेंड किया। कहीं हम दस कदम आगे गये तो कहीं वह एक कदम हमारी तरफ आये। तो उस के यह माने नहीं हैं कि वह दस कदम हमने जीता था। उन्हों ने हमारी 50 मुरब्बा मील जमीन ली और हमने उसकी 5,000 मुरब्बा मील जमीन ले ली तो इस का मतलब यह नहीं है कि उस को अपने पास हम रखना चाहते हैं। क्यों कि जाहिर है कि हम ने टैरीटरी के लिये जंग नहीं की।

अब जो यह कहा जाता है कि फ़ोर्सेज़ विड्रा मत करें, जो कब्जे में है उस को अपने पास रखें। यह हमारा कतई इरादा नहीं है। इस पर मुझे एक शेर याद आ गया :

[श्री सैयद अहमद आगा]

कल मैकदे से ले गया चप्पल मेरी कोई,
पीरे मुरां के बूट लिये जा रहा हूं मैं ।

विदड्रा न करना गलत बात है । काश्मीर की बात यह है कि वहां पर यू० एन० ओवजर्वर्स की प्रेजेन्स अब इरेलेवेंट हो गई है, इस लिये कि जिस सीज–फायर लाइन को वह सुपरवाइज कर रहे थे वह तो रही नहीं । वहां अब एक और लाइन है और वह है लाइन आफ ऐक्चुवल कंट्रोल – उसे पाकिस्तान भी मानता है और हम भी मानते हैं ।इस लिये उन का कहना कि यू० एन० आवजर्वर्स वहां रहें यह गलत बात है । हम इस बात को नहीं मानते हैं और कहते हैं कि यू० एन० आवजर्वर्स को वहां से विदड्रा करना है । कम से कम हम उन की मौजूदगी का नोटिस नहीं ले रहे हैं । यह एक बहुत बड़ा अचीवमेंट है शिमला मुहायदे का ।

हम ने यह तय किया कि हम बाहमी मसाहत से बाहमी समझौते से, बाइलेटरल तरीके से अपने सारे झगड़े निपटायेंगे । हम एक मुस्तविल अमन चाहते हैं, जिस को पायदार अमन कहते हैं, इसलिये कि हम मुल्क की तरक्की चाहते हैं, आज यह बहाने लगाये जाते हैं कि बांगला देश को चूंकि अभी उन्होंने मान्यता नहीं दी है इसलिये हम फौजें विदड्रा न करें । बांगला देश तो रिकग्नाइज़ हो ही जायेगा । इस को अब कोई ताकत रोक नहीं सकती । वह एक सावरेन स्टेट बन गई है । दुनियां की कोई ताकत यह नहीं कह सकती कि वह सावरेन स्टेट नहीं है । वह सावरेन स्टेट है लेकिन हमारी कोशिश यह होनी चाहिये कि हम भुट्टो को इस काबिल बनायें कि वह उस को रिकग्नाइज़ कर सके । उस के लिये मुश्किलात पैदा करना ठीक नहीं है । उस की मुश्किलात पहले ही बहुत हैं, अब हम और नहीं पैदा करना चाहते । हम को भुट्टो को इस काबिल बनाना है कि वह भी बांगला देश को रिकग्नाइज़ कर सके और हिन्दुस्तान पाकिस्तान और बंगला देश में एक मुस्तविल अमन कायम हो सके ।

श्री सैयद अहमद आगा (बारह मुला) : जनाब डिप्टी स्पीकर साहब - मानीय समर गुप्ता की तकरीर सुनी - तो यह मालूम हुआ कि वह पिछले जमाने को देख रहे हैं - जबकि हमारी यह कोशिश है कि ईशिया में अमन कायम हो - हम चाहते हैं कि अंडीन सब कोंटीनेंट में पाईदार अमन हो - हम चाहते हैं कि यह मुल्क तरक्की करे - और इस लेवल पर आये जिस लेवल पर और तरक्की याफ्ता मुल्क हैं - तो मुझे याद आया :

परवरदा आगोश चमन यों तो हैं दोनों
कांटों की जबान और है फूलों की जबान और

भुट्टो साहब ने भी कहा था कि हजार साल तक लड़ेंगे लेकिन इस को वह खुद भूल गये -

श्री समर गुप्ता : यह भूले नहीं - इस को फिलासोफिकल डिफीनिशन दे दी है -

श्री सैयद अहमद आगा : हम ने शिमला एग्रीमेंट में बाईलेटरलिज्म हासिल किया - क्या वह हमारी कामयाबी नहीं है - मानीय समर गुप्ता तो वह रोल अदा कर रहे हैं जो इम्पीरियलिस्ट पावर करती हैं - जैसे अंग्रेजों ने दो नेशन की थेओरी के आधार पर हमारे मुल्क के दो हिस्से कर दिये ताकि हम हमेशा लड़ते रहें - हम बाईलेटरलिज्म को कायम रखना चाहते हैं -

ارادہ نہیں ہے - اس پر مجھے ایک شعر یاد آ گیا :

کل میکدے میں لے گیا چپل میری کوئی
پیر مغاں کے بوٹ لئے جا رہا ہوں میں

ودڈرا نہ کرنا غلط بات ہے - کشمیر کی بات یہ ہے کہ وہاں پر یو این اوبزرور کی پریزنس اب اریلیونٹ ہو گئی ہے - اس لئے کہ جس سیز فائیر لائین کو وہ سپروائیز کر رہے تھے - وہ تو رہی نہیں - وہاں اب ایک اور لائین ہے - اور وہ ہے لائین آف ایکزول کنٹرول - اسے پاکستان بھی مانتا ہے اور ہم بھی مانتے ہیں - اس لئے ان کا کہنا کہ یو این اوبزرور وہاں رہیں یہ غلط بات ہے - ہم اس بات کو نہیں مانتے ہیں - اور کہتے ہیں کہ یو این اوبزرور کو وہاں سے ودڈرا کرنا ہے - کم سے کم ہم ان کی موجودگی کا نوٹس نہیں لے رہے ہیں - یہ ایک بہت بڑا اچیومینٹ ہے شملہ معاہدے کا -

ہم نے یہ طے کیا ہے کہ ہم باہمی مصالحت سے ، باہمی سمجھوتے سے ، بائیلیٹرل طریقوں سے اپنے سارے جھگڑے نپٹا لینگے - ہم ایک مستقل امن چاہتے ہیں - جس کو پائیدار امن کہتے ہیں - اس لئے کہ ہم ملک کی ترقی چاہتے ہیں - آج یہ بہانے لائے جاتے ہیں کہ بنگلہ دیش کو چونکہ ابھی

لیکن وہ چاہتے ہیں کہ کنفلیکٹ بنا رہے - اس لئے ہماری اور ان کی اپروچ میں بہت بڑا فرق ہے - اس لئے بائیلیٹرلیزم کو کامیاب کرنا ہمارے لئے مفید ہے - اور اس طرح کی تمام باتوں کو چھوڑ دیں جو بائیلیٹرلیزم کو کامیاب ہونے کے منفی ہیں -

ہم نے جنگ نہیں کی - ہمارے ملک میں ایک کروڑ آدمی دھکیل دئے گئے - ہماری اچھا تھی کہ وہ اپنے ملک کو واپس جائیں - اس لئے ہم نے ان کی مدد کی مگر جب ویسٹرن فرنٹ پر ہمارے اوپر حملہ ہوا تو اپنی حفاظت کے لئے فوجیں بھیجی گئیں - وہ پاکستان کو جیتنے کے لئے نہیں گئیں -

شری سید احمد آغا : ہم نے اپنے کو ڈیفینڈ کیا - کہیں ہم دس قدم آگے گئے - تو کہیں وہ ایک قدم ہماری طرف آئے تو اس کے یہ معنی نہیں ہیں کہ وہ دس قدم ہم نے جیتا تھا - انہوں نے ہماری پچاس مربہ میل زمین لی اور ہم نے ان کی پانچ ہزار مربہ میل زمین لے لی - تو اس کا مطلب یہ نہیں ہے کہ اس کو اپنے پاس رکھنا چاہتے ہیں - کیونکہ ظاہر ہے کہ ہم نے ٹیریٹوری کے لئے جنگ نہیں کی - اب جو یہ کہا جاتا ہے کہ فورسز ودڈرا مت کریں جو قبضے میں ہیں اس کو اپنے پاس رکھیں - یہ ہمارا قطعی

انھوں نے مانیتہ نہیں دی ہے - اس لئے ہم فوج ودڈرا نہ کریں - بنگلہ دیش تو ریکگنائیز ہو ھی جائے گا - اس کو اب کوئی طاقت روک نہیں سکتی - وہ ایک ساورن سٹیٹ بن گئی ہے - دنیا کی کوئی طاقت یہ نہیں کہہ سکتی کہ وہ ساورن سٹیٹ نہیں ہے - وہ ساورن سٹیٹ ہے - لیکن ھماری کوشش یہ ھونی چاھئے کہ ھم بھٹو کو اس قابل بنائیں کہ وہ اس کو ریکگنائیز کر سکے - اس کے لئے مشکلات پیدا کرنا ٹھیک نہیں ہے - ان کی مشکلات پہلے ھی بہت ھیں - اب اور نہیں پیدا کرنا چاھتے - ھم کو بھٹو کو اس قابل بنانا ہے کہ وہ بھی بنگلہ دیش کو ریکگنائیز کر سکے - اور ھندوستان ، پاکستان اور بنگلہ دیش میں ایک مستقل امن قائیم ھوسکے -

श्री जगन्नाथ राव जोशी : (शाजापुर) : उपाध्यक्ष महोदय सब से पहले मैं अपना रोष प्रकट करना चाहता हूं । पिछली बार जब समझौते की पुष्टि की गई तब दो तीन दिन बाद जो संसद मिलने वाली थी उस को ताक में रख कर पुष्टि की गई, और देश में शिमला समझौते के बारे में लोगों के मन में जो आशंकायें थीं उन्हें दूर करने के लिये दोनों देशों के प्रतिनिधियों के स्तर पर जो वार्ता हुई वह कोई मामूली वार्ता नहीं थी । वह वार्ता पांच दिन तक चली । क्या सरकार यह आवश्यक नहीं समझती कि वार्ता के सारे तथ्य और जानकारी सदन के सामने स्वयं आ कर पेश करे और जो सवाल हम करें उन का उत्तर दे ? केवल यह कह देना कि सारा भारतवर्ष उन के साथ है कहां तक उचित है ? आखिर भारतवर्ष में हम भी हैं फिर केवल हमारे मन में आशंकायें नहीं हैं, आप के मन में भी आशंकायें हैं । उन का निराकरण करने के लिये आप ने उन के प्रतिनिधियों को यहां बुलाया । इस लिये मैं समझता हूं कि उन आशंकाओं का निराकरण हुआ या नहीं, इस बात को जानने का हमारा अधिकार है । अगर आज सदन न बैठता, या सोमवार तक हमारी कार्रवाई नहीं चलती तो शायद यहां इस की चर्चा तक न होती इस लिये मैं सब से पहले इस बारे में अपना रोष प्रकट करता हूं क्योंकि यहां पर जो वार्ता हुई उस में एक प्रमुख बात बतलाई गई है । वह यह है कि :

> They reaffirmed the determination of the two Governments to implement the provisions of the Simla agreement in letter and in spirit for the establishment of durable peace in the sub-continent.

It is a very important thing. The very basis of Simla talks was establishment of durable peace, in the sub-continent. It was a case of not only an amicable and friendly relation between India and Pakistan alone. There is a third country. Have you realised that?

जब हमने शिमला में बैठ कर यह तय किया कि आगे चल कर भारतीय उप–महाद्वीप में स्थायी शांति होगी उस समय क्या हमारी आंखों से यह बात ओझल हो गयी कि जैसे हमारे और पाकिस्तान के बीच मसले हैं, जिन को हम हल करेंगे, शांति के साथ हल करेंगे सौहार्द्र के साथ हल करेंगे वैसे ही पाकिस्तान और बांगला देश के बीच में मसले हैं जिन का हल होना बहुत जरूरी है । उन में से एक है युद्धबन्दी और दूसरा है बंगलाभाषी लोग जो पाकिस्तान में हैं और उर्दू–भाषी जो बंगला देश में हैं । उन का भविष्य क्या है, यह दोनों महत्वपूर्ण विषय हैं ।

During the talks at Simla, at some level or the other, it was incumbent and imperative that we should have involved the Prime Minister of Bangla Desh, Sheikh Mujibur Rehman.

जो भी हम समझौता करें उसके अंदर बांगला देश की अनुमति या सहमति हमें नहीं मिलेगी, तो स्थायी शांति कैसे पैदा होगी, यह समझ में नहीं आता है । भारत और पाकिस्तान

के बीच में शांति भंग करने का मसला हमेशा काश्मीर रहा है । इसलिये जब तक काश्मीर के अन्दर एक शांति की हवा पैदा नहीं होती तब तक यह कहना कि स्थायी शांति स्थापित हो सकती है ठीक नहीं होगा । फिर चाहे आप बड़े बड़े पोस्टर और होर्डिंग्ज कितने ही लगा लें । हमारी जो आशंकायें थीं वे अगर गलत निकलती तो हमें आनन्द होता, हमें दुख नहीं होता । हम भी यही चाहते हैं । कालेज में मुझ पर रवीन्द्रनाथ ठाकुर का असर हुआ ।

We read the world wrong and say that it deceives us. It is not a question of Pakistan only but it is a question of China also.

चीन के साथ हम लोगों ने पंचशील समझौत किया था और उस वक्त किसी ने उसका विरोध नहीं किया

In spite of that, why was Panchsheel shattered to pieces? Unless we go into it in details, सवाल केवल पाकिस्तान का नहीं है । हम जरूर चाहते हैं कि पड़ौसियों के साथ ही नहीं दुनियां भर के साथ हम शांति से रहें विद्वेष समाप्त हो । किन्तु हमारे चाहने पर क्या दुनियां चलती है ?

If wishes were horses, beggars could ride.

उपाध्यक्ष महोदय : आप जल्दी खत्म करें ।

श्री जगन्नाथ राव जोशी : यह सवाल मैंने उठाया है । हमें समय चाहिये । हमारे मन में जो आशंकायें हैं उनका निराकरण तो होना ही चाहिये । अगर ऐसा नहीं होता है तो जनता में जा कर हम क्या बतायेंगे । मैं कुछ सवाल करना चाहता हूं । बार बार हमारे विदेश मंत्री कह रहे हैं कि जम्मू काश्मीर में लीपा वैली में टिथवाल की दो दो चौकियां पाकिस्तान को छोड़नी पड़ेंगी । इसके बारे में आशंका तब पैदा होती है जब जो आप कहते हैं उसकी पूर्ति नहीं होती है । पाकिस्तान के प्रतिनिधि यहां आए थे । क्या उन्होंने लिखित कोई आश्वासन इसके बारे में दिया है ? Is it in black and white?

इसलिये मैं यह कहता हूं कि समझौता जब हुआ तो उसके बाद पाकिस्तान के अध्यक्ष ने उसके तुरन्त बाद पाकिस्तान की राष्ट्रीय असैम्बली में जो भाषण दिया, उसको लेकर हमने आपत्ति उठाई थी । मेरी समझ में यह नहीं आता है क्या वास्तव में उस भाषण का गहरा अध्ययन किया गया था । और गहन अध्ययन के बाद सही बात हमारे सामने आई क्या रखी गई थी ? बजाय इसके कि हमारे विदेश मंत्री भुट्टो को समझने की और उनको समझाने की कोशिश करते उन्होंने वहां जन संघ को समझाने की कोशिश की । जो पत्र प्रतिनिधि वहां एकत्र हुए जब उन्होंने भुट्टो साहब से पूछा कि :

'You blow hot and cold at one and the same time.'. And he replied: "I am a product of the sub-continent where there is extreme cold and extreme heat.".

उन्होंने कभी अपने आपको समझाने की कोशिश नहीं की । इसी ढंग से उन्होंने अपने आप को समझाया :

"If I blow hot and cold at the same time, it is because I am a product of the sub-continent.".

ऐसी स्थिति में हमारे विदेश मंत्री उनको समझाने की कोशिश करते । वह समझाते हैं ।

"It is for the internal consumption and it is only to convince the counterpart of Jan Sangh there in Pakistan.".

पाकिस्तान में भी कोई जन संघ है जिस को समझाने के लिये उनको ऐसा करना पड़ता है ? जन संघ तो यहां हैं । हम को समझाने के बजाय हम को दुतकारा जाता है ।

श्री स्वर्ण सिंह : जन संघ वहां नहीं है लेकिन जन संघ जहनियत वहां हैं ।

श्री जगन्नाथ राव जोशी : आप अगर हम को समझाने की कोशिश करें तो हम भी समझने की कोशिश करेंगे ।

हम चाहते थे चव्हाण साहब भी इस वक्त यहां होते तो बहुत अच्छा होता क्योंकि ताशकन्द की टेबल पर ये दोनों विभूतियां मौजूद थीं इसलिये उनको अनुभव तो है ही, पाकिस्तान का भी अनुभव है और भुट्टो का भी है । आज द्विपक्षीय समझौता पाकिस्तान ने किया है और कहा है कि उस पर वह अमल करेगा । लेकिन ताशकन्द में जब रूसम गम्थ था और विदेश मंत्री जब हमारे दिनेश सिंह थे और उनको मैंने पूछा

[श्री जगन्नाथ राव जोशी]

था कि 1961 में गोआ की कार्रवाई के बाद आपको इस बात का अनुभव हुआ है क्यों कि

Unilateral good faith is not responded to in international affairs.

हमारे जो गोआ में बंदी थे क्या उन सब को छोड़ दिया गया है, ? क्या मैसकोनास को, मोहन रानाडे को छोड़ दिया गया है क्या ? नहीं छोड़ा गया था। ताशकंद की टेबल पर यही गलती फिर हमने की। पाकिस्तान के साथ हमारा जो एग्रीमेंट हुआ उस में पाकिस्तान के वास्ते जो अच्छी बातें थीं उन पर तो अमल किया बाकी पर अमल नहीं किया, इसकी सूचना मुझे लिखित रुप में दी गई थी। उस वक्त मध्यस्थ रूस था। क्या रूसको इस बात का पता था कि पाकिस्तान ने इस पर अमल नहीं किया, पूरा अमल नहीं किया तो उसने क्या किया ? आज हमने द्विपक्षीय समझौता किया है। इस समझौते के बारे में हमारे मन में जो शंकायें पैदा हुई हैं उनका हम चाहते हैं कि निराकरण हो और जो, बाधायें हमें मालूम देती हैं, उनका हम चाहते हैं। कि जवाब किया जाए। इस विपक्षीय समझौते के बाद जम्मू काश्मीर में भी जो रेखा हम कह रहे हैं क्या उसको वह मानेगा ? हमने यह भी कहा है कि यू० एन० ओ० के निरीक्षकों के वहां रहने की कोई जरूरत नहीं है। लेकिन पाकिस्तान के प्रतिनिधि यू० एन० ओ० में कहते हैं कि रहने की जरूरत है।

अभी जो प्रतिनिधि स्तर पर वार्ता हुई, क्या उस में पाकिस्तान ने इस बात को स्वीकार किया कि वहां पर यू० एन० ओ० के निरीक्षक नहीं रहेंगे ? क्या पाकिस्तान लीपा वैली की दोनों चौकियां खाली कर देगा। शिमला समझौते के अनुसार डीलीनिएशन आफ़ दि लाइन आफ़ कंट्रोल इन जम्मू एंड काश्मीर और सेनाओं का विदड्राल एक महीने में साथ साथ होना चाहिये था। वह एक महीने में क्यों नहीं हुआ ? इस सम्बन्ध में कौन सी कठिनाइयां आईं ? क्या उन कठिनाईयों को दूर करने की कोशिश की गई ? क्या इस बात को इस समझौते में कहीं अंकित किया गया है ? हम ने कहा था कि जम्मू-काश्मीर में य० एन० ओ० के निरीक्षकों को रखने की जरूरत नहीं है। क्या पाकिस्तान ने हमारी इस बात को कैटेगारिकली माना है ? अगर कि माना है, तो उस को अंत क्यों नहीं किया गया है ?

हमारा स्टैंड यह है कि युद्धबन्दियों की वापसी का मामला बांगलादेश की अनुपस्थिति में तय नहीं किया जा सकता है। लेकिन पाकिस्तान के अध्यक्ष ने इस पर आपत्ति की थी। उन्होंने कहा था कि जब हमने एक द्विपक्षीय समझौता किया है, जब हम ने यह तय किया है कि हम सब विवादों को परस्पर बैठकर हल करना चाहते हैं, फिर बांक्या गला देश को बीच में लाना द्विपक्षीय समझौते का उल्लंघन नहीं होगा। क्या इस का भी कोई निराकरण किया गया है ? क्या हमारे निराकरण को पाकिस्तान ने स्वीकार किया है ? क्या मंत्री महोदय की समझ में नहीं आ रहा है ?

It is reported in the press that President Bhutto had expressed his doubts that if India would like to abide by bilateralism, why then India Govt. wants to bring in Bangladesh in between.

यह जो वार्ता हुई है, it is because of certain grave doubts created in our minds.

वर्ना हम इस वार्ता का आयोजन क्यों करते ? क्या हम ने पाकिस्तान के प्रतिनिधियों के सामने अपनी ये आशंकायें प्रकट की थीं और क्या पाकिस्तान ने उन का कोई निराकरण किया ? ये सब बातें प्रैस में आ चुकी हैं। आज हम इस के बारे में बिल्कुल सही सही जानकारी चाहते हैं।

हम भी शांति चाहते हैं। **(व्यवधान)** मैं आज का आदमी नहीं हूं। जब इस कांग्रेस का नाम राष्ट्र सभा था, मैं उस वक्त था इंडियन नैशनल कांग्रेस तो बाद में बनी। लोक मान्य तिलक के जमाने में इस को राष्ट्र सभा कहा जाता था। हम ने देखा कि एक राष्ट्र से दो हो गये और दो से तीन हो गये और our nation became a sub-continent including three nations. यह सब कुछ मैं देखता आया हूं।

जैसा कि मैंने कहा है, हम भी शान्ति चाहते हैं, लेकिन सम्मान के साथ शन्ति अपने सामर्थ्य के बल-

बूते पर आती है। श्री सतपाल कपूर ने कहा है कि

if Pakistan slides back, we are ready.

इस का मतलब है जंग। यह सरकार हमेशा जंग के खिलाफ आवाज उठाती रही है लेकिन फिर भी 1947, 1962, 1965 और 1971 में जंग हुई। यह जंग क्यों हुई? इन लोगों की वजह से हुई। जंग किसी के चाहने से नहीं होती है, बल्कि दुनिया में कुछ परिस्थितियां उत्पन्न होती हैं, जिन की वजह से जंग होती है।

Let us try to understand and appreciate the realities of life.

जब हम पाकिस्तान के साथ कोई समझौता करने के लिए बैठें, तो वह ऐसा समझौता हो, जिस में शान्ति-स्थायी शांति–की व्यवस्था हो और वह भी भारतीय उपमहाद्वीप में हम को दिखाई दे, यह बहुत आवश्यक है।

दिल्ली वार्ता के बाद हमारे अधिकारियों ने भारतीय पत्र-प्रतिनिधियों को वक्तव्य और अन्य विवरण को प्रति रात के साढे नौ बजे दो और उस पर भी यह एम्बार्गो लगा दिया कि उस को बारह बजे से पहले प्रसारित न किया जाये। इस की तुलना में पाकिस्तानी अधिकारियों ने सारी सामग्री उसी दिन साढे तोड़ पांच बजे विदेशी पत्र–प्रतिनिधियों को दे दी। इस तरह पाकिस्तान ने यहीं दिल्ली में समझौते को दिया। रेडियो पाकिस्तान लगातार यह कहता रहा:

The line will be delineated in the disturbed areas.

समझौता होते ही पाकिस्तान के प्रतिनिधियों ने हमें यह तमाचा मार दिया। हमारे पत्र–प्रतिनिधियों के साथ हमेशा ऐसा व्यवहार क्यों होता है, यह बात मेरी समझ में नहीं आती है। मरी टाक्स के अवसर पर भी हम अपने पत्र–प्रतिनिधियों को अपने साथ नहीं ले गये।

We had to depend upon only the foreign press. हमारा पिछला अनुभव रहा है कि पाकिस्तान हमेशा समझौतों को तोड़ता रहा है। इस लिये हमें सतर्कता से काम लेना चाहिए। हम शांति चाहते हैं लेकिन सम्मान के साथ शांति, अपने सामर्थ्य के बल–बूते पर शांति चाहते हैं। हम शांति के इच्छुक हैं, लेकिन ऐसी शांति नहीं।

which was disturbed during the last 25 years four times and we had to pay heavily.

इसी लिए हम कहते हैं कि भविष्य में हम सतर्कता से काम लें।

जो आशंकायें मैं ने बताई हैं, मैं चाहता हूं कि मंत्री महोदय उन के बारे में सही सही जबाव दें।

SHRI VASANT SATHE (Akola): Mr. Deputy-Speaker, Sir, we listened very carefully to the speeches of our hon. friends, particularly Shri Samar Guha and the hon. Member who spoke before me, Shri Jagannathrao Joshi. The speech just delivered was so full of sound and fury, but I must confess that it signified very little. He was full of anger right from the beginning. He said "I want to express my anger" and he was throughout, till the end of his speech, in anger. I tried to understand what was his conclusion, what was the constructive suggestion that he wanted to make by way of criticism against the whole approach and the last meeting that we have had.

As we know, the Simla agreement and also the present meeting had a basic objective of trying to achieve durable peace in the sub-continent. Therefore, the spirit that we had kept before us in the Simla agreement was to unite the people of this sub-continent. Whom did we have in mind? All the time we have had started that we were not at war with the people of Pakistan. The war was inflicted on us by the military dictatorship of Pakistan. We always maintained that we had all the sympathy and love and friendship and affection for the people of Pakistan, and therefore it is in that spirit that we have been approaching this entire problem.

There is a basic difference between the Jan Sangh's approach and our approach. The Jan Sangh has never reconciled itself even with the existence of Pakistan; let alone our relationship with Pakistan. Therefore, they do not want peace with equanimity; peace with friendship; peace with respect. They want peace by running down and humiliating Pakistan. That is not the approach of India or the Indian Government, and that cannot be the approach to achieve durable peace.

I may submit that there might be difficulties; no doubt. But in this entire approach, as even Bhutto has stated, after all it is a legacy not only of the last 25 years but even of a remoter past. And you cannot get over that in just 25 months. So, therefore, we will have to go cautiously. True, but we must do so with the positive objective that we want to be friendly with the people of Pakistan, and therein, let us give even the devil its own due.

[Shri Vasant Sathe]

You know the Foreign Minister of China, Mr. Chiu had come to Pakistan. It is stated that he acclaimed the Simla agreement, and he said that it should be implemented conscientiously. Therefore, at least, the declarations made do not show that even China is against the Simla agreement *per se* by itself or peace in the subcontinent. But its actions are otherwise. True. But we need not read much into it, because even last time we saw 111 countries were against us; did we worry about that? In international gatherings we have to be firm and stand on our own convictions. Therefore, I was sorry to see the attitude of the Jan Sangh in this country; last time, they opposed the Simla agreement; the entire agreement. What a scene they created? You remember what was the slogan that they shouted. One of their slogans was

जहां हमारा खून बहा वहां जमीन हमारी है ।

That was fantastic, because what did that mean? Not only in Rajasthan but हमारा खून बंगला देश में भी बहा Do you have the cheek to say that even that *zamin* will be yours? That was the argument advanced by you. (*Interruption*) It appeared in the *Times of India.*

श्री जगन्नाथ राव जोशी : उपाध्यक्ष महोदय, यह हमारे स्लोगन को गलत कोट कर रहे हैं । जहां हमारा बलिदान हुआ वह काश्मीर हमारा है, यह स्लोगन था । वे कह रहे हैं कि जहां हमारा खून बहा वह जमीन हमारी है और बांगला देश इसलिए हमारा है . . .

SHRI VASANT SATHE: I am not yielding.

SHRI JAGANNATHRAO JOSHI: Do not shield something.

SHRI VASANT SATHE: Therefore, the Jan Sangh's attitude has been always anti-national; in fact it was anti-peace as far as this subject is concerned.

SHRI JAGANNATHRAO JOSHI: What business has he to say so? I object to this. He will have to take back his words. How is it anti-national?

MR. DEPUTY-SPEAKER: Your objection has gone on record; that should be enough.

SHRI JAGANNATHRAO JOSHI: I never call anybody anti-national. I wanted clarification and let him get clarification for himself. If you cannot meet an argument by an argument, do not abuse. If you call me anti-national and I call you anti-national, that will not serve any purpose.

SHRI VASANT SATHE: There is a saying in **Sanskrit:**

शषम् कोपेन पूरयेत ।

(*Interruption*) Shri Jagannathrao Joshi has been full of *kop* right from the beginning and when there is *kopam* you know what will happen. That is all I wanted to say.

SHRI SHYAMANANDAN MISHRA (Begusarai): Mr. Deputy-Speaker, Sir, to my mind the discussion seems to have derailed; it has taken the second place in the supplementary agenda as discussion on the Simla agreement.

We do not want to be in a hurry to pronounce a judgment on the success of the Simla agreement. That is neither fair to us nor to the other party. It would be extremely premature to judge the success of the Simla agreement at this stage. It is also our view that the implementation of an agreement like this is bound to face certain difficulties and hurdles and both sides should take these difficulties in their stride and should not be unduly unnerved by them.

We do not know what were the hurdles holding up the implementation of the Simla agreement which necessitated the convening of the official level conference in Delhi recently, whether that resulted from any basic difference in approach or attitude of the other party. The same might be said by the other party so far as we are concerned. Or do these difficulties stem from certain matters of detail. We really do not know anything about that . .

Of course we should do our best to make a success of it but there have been some experiences which decitate that we temper our optimism with a certain amount of caution and circumspection.

Before I get into the task of seeking clarifications—as was the intention when we proposed to the Speaker that we should have an opportunity for seeking clarifications—I must say that we are a litttle surprised that we do not get enough information about the implementation from our own Government and we are to be grateful to Pakistan for giving first hand information about the various stages of implementation. The Government of India never cares to inform the country about those steps. Mostly the announcement about the steps taken originate from Islamabad, not Delhi. That happened even at the time of the Simla agreement; that information was not shared with the country by our Government in the first instance.

It was by Pakistan that the announcement was first made. Similiarly, about this meeting between the Commanders of the two sides, the information has come from the other side, not from our side. It is indeed a matter of some regret so far as the people in this country are concerned that our Government should not be keen to inform them about the steps that are being taken in this respect. The most crucial point about the recent conference seems to be about the delineation of the actual line of control in Jammu and Kashmir. I am not quite clear in my mind as to how the position of India is different. Probably there is a basic difference between the approaches of the two countries and we have to be made fully aware of this. How is the position of India different from the position of Pakistan so far as the delineation of the entire length of the line of control in Jammu and Kashmir is concerned? What exactly do they mean by the entire length of the line of control? Supposing the line of control as it existed in 1949 has been broken in half a dozen places, would the new line of control now originate from the six points at which the old line of control has been broken? Would they constitute the basis for the new alignment of the line? That is the point about which I want to know from the minister. The country must be made aware of this.

There is another valid point regarding this line of control and that relates to the word "prejudice". It says, "without prejudice to the recognised positions of both the parties". My humble question is whether this word "prejudice" is used in the legal sense of the term or in the physical sense of the term. It may well be in the legal sense of the term. That has been my understanding. If it is in the physical sense of the term, so far as the actual line of control is concerned, that does not have much of a meaning.

Another impression that comes to one's mind is about the delinking of Bangladesh from the operation of the Simla agreement. For all practical purposes, it seems that Bangladesh is delinked from the operation of the Simla agreement. Perhaps that was inherent in the way in which Bangladesh was excluded from the Simla summit. Probably that was also inherent in the concept of bilateral relations between Bangladesh and Pakistan. That was also because of the fact that the international community would like to have a kind of bilateral relationship developing between Bangladesh and Pakistan. But what I want to submit is, the Government of India always gave the impression, without much factual basis, that they were trying to get Bangladesh fully involved in this matter. But now it seems that that make-believe is over. This communique issued after that—it may be that certain commentaries have come, but those commentaries do not form part of the communique as such—It seems that Bangladesh is, more or less, going back on this. It is also, more or less, clear that there would not be one line of control but a dual line of control. One line of control, whatever it means, is the delineation of the new line of control resulting from 17th December cease-fire. But Pakistan has never committed itself to say that it would not admit UN observers on its soil. So, UN observers will always be there. The disappearance of UN observers seems to exist only in the figment of imagination of the Government of India. So far as Pakistan is concerned, UN observers seem to be very much there. My submission is that this point which was blown up out of all proportions into a big thing has been deflated to an extent because we do not get any assurance on this point from the other side.

18 hrs.

Then, one word about rehabilitation of refugees. Here also, we do not get any concrete idea as to how refugees are to be enabled to get back to Pakistan with a reasonable measure of assurance of safety and security. We have general ideas no doubt so far as Pakistan is concerned. We are grateful to Pakistan and even to the Government of India for giving us that information. We have also got general ideas of the Government of India about these refugees. But we do not have any concrete ideas. Similarly, we have got general ideas of goodwill at the time of Nehru-Liaqat Ali Pact. But at that time, there was this difference that at least there was a concrete pact to go by, even when Nehru-Liaqat Ali Pact was concluded. But on this question of unfortunate refugees, we do not seem to have any concrete ideas as to how they are going to be enthused to get back to Pakistan. If they do not get back to Pakistan, what exactly it is that the Government of India propose to do about that.

Finally, a question that arises is whether we have made any strong efforts towards the normalisation of relations between the two countries, that is, the resumption of diplomatic relations, in the recent talks, and whether some steps are going to be taken in that direction. It seems to me that this subject is, more or less, forgotten although it should be the first real step towards normalisation of relation. I want to know whether certain talks have been held in this respect or certain communications have passed between the two countries in this respect.

MR. DEPUTY-SPEAKER: Now, before I call the Minister to reply, I would like to draw the attention of the House to the following observations made by Shri Mavalankar, on 1st August, 1952:

> "I myself wanted to say that whatever the business outside which any individual Minister or the Minister responsible may have, it is necessary to remember that no engagement outside can be higher or of greater importance than his presence in this House * * * At least I personally feel that the absence from the House of the responsible Minister is perhaps not giving the House the attention and the respect that it is entitled to . . . ."

After collating all that has been observed all that has passed in this House, the book on "Practice & Procedure of Parliament" by Kaul and Shakdher says:

> "It is now an established convention that on important occasions like Question Hour, discussion on the Budget or the President's Address or the motion regarding international situation, concerned Ministers are required to be present in the House, as far as possible. On other occasions, the Minister or Ministers in charge of the business before the House are required to be present. In the case of unavoidable absence of the Minister in charge from the House, it is expected that an arrangement is made for some other Minister to take notes of the debate in the House . . . .".

Now, when I saw neither the senior Minister nor Deputy Minister in the House, and I was not informed whether anybody had been authorised, I had to adjourn the House.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): The present debate, Mr. Deputy-Speaker, Sir, is related to my statement which I made after the conclusion of the talks between the delegations of India and Pakistan, and I have no intention to answer those points which relate to the Simla Agreement because there was a full-dress debate here and pros and cons were gone into in considerable detail and a near-consensus, except for one political party, emerged in the House in support of the Simla Agreement. I have no intention to reopen that debate because there is nothing new that has been said today which was not said when the debate about the Simla Agreement itself took place and in which some of the hon. members who have now participated did participate even at that time.

The present meeting, Mr. Deputy-Speaker, between the representatives of the Governments of Pakistan and India took place because of the initiative taken by us to convene a meeting either in Delhi or in Islamabad because we thought that certain statements that had been made by spokesmen of Pakistan after the Simla Agreement and, I would also like to add, some of the attitudes that came to our notice—attitudes adopted by the Pakistan Commanders in the course of the talks about the delineation of the line of control—appeared to us to be not quite consistent with the letter and spirit of the Simla Agreement. Therefore, we thought it necessary that there should be a discussion between the representatives of the two Governments so that we may be able to review the situation and may again try to bring the parties back to the implementation of the Simla Agreement.

The two Delegations met in Delhi and there were discussions that took place for a long time, and at the end of the discussions, a Joint Statement was issued—I have placed a copy of that Joint Statement on the Table of the House. I would like to add that I also made a fairly detailed statement giving all the facts, chronological, and our assessment of the present situation.

It is interesting that the present discussion started on my statement which was also laid on the Table of the House with a copy of the Joint Statement. But in the debate that ensued, the critics have conveniently forgotten either the contents of my statement or, by and large, the contents of the Joint Statement signed by the representatives of the two Governments. And, in all humility, I would like to say that there has been a great deal of digression, exhibition of emotion—misplaced, to my mind, because unless, in our system, we clinch the points and raise any specific point, it is very difficult to deal with such a debate; it is very difficult to deal with emotion. I cannot match emotion with emotion. I can meet some points but I cannot meet emotions.

What are the points that have emerged and which require replies? I have no intention to repeat what is contained in my statement or in the Joint Statement. That is the property of the House. I have made my statement and I have placed a copy of the Joint Statement on the Table of the House. I would, therefore, confine myself to answering some of the points that have been raised.

One point has been raised: what will happen to the two posts in the Lippa Valley which, according to us, were taken by Pakistan after 17th December? The agreement is quite clear. Both the sides are committed that the line of control as it existed on 17th December will be restored and the two Commanders will settle that line of control.

And I have no doubt in my mind that these two posts cannot be retained by Pakistan because they were not with Pakistan on the 17th of December. So, the position was quite clear . . .

SHRI JAGANNATHRAO JOSHI: Was it not very clear in the Simla Agreement?

SHRI SWARAN SINGH: The Simla Agreement settled the principle, that the line as it existed on the 17th December has to be respected by the two sides. But, there may be a difference of opinion as to what was the line on the 17th of December. This is precisely the business of the two representatives and in this case, the two Governments have entrusted this responsibility to the Commanders because they were familiar with what was happening on the ground and if the line of control had been settled in Simla itself, then we should have withdrawn on the following day.

Under the Simla Agreement the principle was settled that the line of control as it existed on the 17th December, has to be respected. But somebody has to show on the ground where the line is and also to delineate it on maps. So, this is the process which has been going on and I would like to remind this hon House . . . (*Interruptions*) that while I made the statement about the Simla Agreement, I had said that the question of delineation of the line of control and the question of withdrawal will have to be simultaneous . . .

SHRI JAGANNATHRAO JOSHI: That was very wise.

SHRI SWARAN SINGH: Now, as a matter of fact, according to this agreement, the line of control has to be delineated first and the withdrawals will take place eleven days later. So, if anything we have tried to give a concrete shape—within a time frame from the date the agreement has been arrived at. So, I do not see what objection can there be to this approach.

SHRI JAGANNATHRAO JOSHI: There is no question of any objection. There is no clarification.

SHRI SWARAN SINGH: I am giving the clarification. I am glad that you are in a mood to listen to the clarification.

SHRI JAGANNATHRAO JOSHI : Yes, of course, That is why we raised this subject.

SHRI SWARAN SINGH: That is the object of this discussion.

Another point has been made. What is the role of the UN Observers in relation to the line of control? The reply is simple. The UN Observers were there in accordance with the Karachi agreement. There was a cease-fire line and the UN observers' role was to see that there were no disturbances of that cease-fire line and no violations of that cease-fire line. Now, there is no cease-fire line. There is a line of control. There is no Karachi Agreement and there is no UN role at all in relation to the line of control because the line of control did not exist when the UN Observers were there.

I would also like to draw the attention as to what is the agreement about this line of control . . . .

SHRI JAGANNATHRAO JOSHI: We would like to know whether this fact was brought to the notice of Pakistan. It is the question of attitude of Pakistan. We want to know . . (*Interruptions*). Otherwise, what is the use of raising this discussion?

SHRI SWARAN SINGH: I thought the Jana Sangh has amended their original attitude of obstructing . . . .

SHRI JAGANNATHRAO JOSHI: Not exactly . . .

SHRI SWARAN SINGH: You have not abandoned that?

SHRI JAGANNATHRAO JOSHI: What is the clarification? . . . (*Interruptions*).

MR. DEPUTY-SPEAKER: Order, please. How many times you will repeat a question?

SHRI JAGANNATHRAO JOSHI: I wanted a clarification.

MR. DEPUTY-SPEAKER: He says he will give the clarification.

SHRI SWARAN SINGH: The line of control, in Jammu and Kashmir, resulting from the cease-fire of December 17, 1971, will be delineated along its entire length.

SHRI SHYAMNANDAN MISHRA: What does it mean?

SHRI SWARAN SINGH: I will explain the significance of that.

At the present moment I am on the question of UN Observers. Further maps showing this line will be exchanged by both sides. That is the second component.

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(3) Inviolability of the line of control will be ensured by both the sides . . .

SHRI SAMAR GUHA: Without prejudice to their recognised position. . . . . (*Interruptions*).

SHRI SWARAN SINGH: There is no question of UN Observers at all.

Now this point has been raised: What is the significance when it is said that this is without prejudice to the position of the two sides? This is a broad question. I would like to take this opportunity to clarify it. We have to remember, there is no final settlement about Jammu and Kashmir in this Simla agreement. The agreement is that there will be a final settlement. You cannot expect the other side to give up their legal attitude till there is a final settlement. What is meant in so many words is that our position in relation to Jammu and Kashmir is there—that is the legal position,—but notwithstanding that legal position there is the physical position on the ground so that there will be a new line of control delineated along the entire length.

At this stage I would like also to explain the significance as to why we now say that it is to be delineated on the entire length. There was an attempt on the side of Pakistan to say that the major part of the original cease-fire line was not disturbed in the course of war and there were only certain deviations or disturbances of that line. There was an argument which was put across—mistakenly according to us, and they did not stick to that argument in the course of the discussion—as if there could be some role for the UN along that portion which was not disturbed. But now, according to this agreement there is going to be a delineation of the line of control as it stood on December 17, in the entire length, which means, the line of control is what will emerge on the maps and on the ground, as a result of the agreement between the two countries, saying, this is the line of control, so that we can be doubly sure that there is no relationship with the 1949——cease-fire line, so that there may not be any argument later that something of the original thing is still left for which there may be some remote chance of UN observers coming.

This is the whole significance of the present agreement, that in view of the clear agreement between the two sides, the inviolability of the line of control will be observed by both the sides.

SHRI SHYAMNANDAN MISHRA: It would be decided by the two commanders.

SHRI SWARAN SINGH: By the two commanders. Yes. This has to be completed by the 4th. Now, this is so far as these two points which were raised were concerned.

Now, the hon. Member asked: Why was Bangladesh not present in the talks?

It is a very valid question. The answer is simple. The leaders of Bangladesh had taken a very clear position and they said, "we are not going to talk to any representative of Pakistan till we are on terms of equality," meaning thereby that till Pakistan recognises Bangladesh. The Bangladesh Prime Minister and Foreign Minister have made the position clear that they do not want to discuss anything with Pakistan unless they are on terms of equality, meaning thereby, that they will not discuss anything unless Pakistan recognises Bangladesh. It has been suggested perhaps by way of a complaint as if we have been remiss by not bringing Bangladesh to the conference table. This is a complete misunderstanding of the situation.

It would have been very unfair on our part to suggest to Bangladesh that they should come to the Conference table. It would not have been fair on us to suggest to Bangladesh that they should come to the conference table knowing full well that they have taken a stand that they would not go to the conference table unless Pakistan recognises Bangladesh.

SHRI SAMAR GUHA: Why did you go to conference table specifically without Bangladesh?

SHRI SWARAN SINGH: Because we are realists, we are not dreamers like you!

The point that I was making out was this. There are several matters; let us be quite candid; there are several matters which are purely of a bilateral character between us and Pakistan. The obvious case in point is that of the question of Jammu and Kashmir. Then, there were prisoners of war on the western side. On the western side, areas and changed hands as result of the vicissitudes of war. So, there were several matters which we had to discuss. And any more that takes place in establishing bilateral contacts and in trying to sort out whatever may be in the way is a welcome move, and we cannot take this attitude that unless this is satisfied, unless that is satisfied, we are not even prepared to talk. That is not wise; that is not in our national interest, and, therefore, it was quite proper, and in fact very much in our interest to start talks with Pakistan so that these matters which are purely bilateral between us and Pakistan should be capable

of being resolved; at any rate if they cannot be resolved, there should be an agreement about the manner in which they should be resolved, and I have enunciated the manner more than once. It is that all differences are to be resolved bilaterally. This is the cornerstone in the whole agreement. If we find that there is any deviation from this, we shall have no hesitation in getting in touch with Pakistan again and we shall remind them. 'This is the agreement, this act that you are doing is not consistent with the terms of the agreement, let us, both sides, adhere to the agreement', and this was the exercise that was attended to.

Then, a minor point was raised that the Pakistani delegation gave the copies of the joint statement to some foreign press, and, therefore, it is argued that this was such a serious matter that we should have gone to the length of saying that they have abrogated the agreement and therefore, the whole agreement goes. It is a very strange argument, which is difficult for me to understand. We also gave copies of the statement to our press well in advance. This is a well known thing which I think hon. Members with their vast experience should know.

SHRI JAGANNATHRAO JOSHI: Copies are given with an embargo "Not to be printed before 9.30 p.m.".

SHRI SWARAN SINGH: It was agreed by both sides that this would not be published before midnight that evening. Even when there are embargos, our press is cooperative, and we give the copies to them before, and we put an embargo 'Not to be published before such and such time'. That is quite normal. I do not see what objection there can be to this. We had also supplied copies to our press people. But I am very glad that none of them used that in any manner till the time specified in the embargo had been reached. So, I do not see what was the point of grievance made in this connection. I had to mention this because the hon. Member from the Jan Sangh had sent to the Speaker in writing as if any great violation of a principle had been involved. There was nothing in it. It is just a normal way of dealing with the press that we give them advance information with an embargo.

Then, it was mentioned that it was a strange joint statement which talked of recommendations made to the Governments. Well, they were plenipotentiaries, and they were discussing on behalf of their Governments, and it was quite normal for them to say that 'We are making these joint recommendations for their acceptance by both Governments'. Even when the President of Pakistan and the Prime Minister of India, the heads of Governments, were discussing things, and when even they entered into an agreement at Simla, even that was subject to ratification. So, there was nothing wrong in that. But I would now like to take this opportunity of informing the House that these recommendations have been accepted by both Governments. Pakistan's acceptance of the recommendations has been conveyed to us, and we have also conveyed to them our acceptance of the recommendations which have been jointly made. This shows that there is willingness on both sides to adhere to the agreement and to the terms thereof.

Now some points have been raised and clarifications sought by the leader of the Congress Opposition. I have answered one of his points about delineation of the entire length; I have also tried to explain the non-presence of Bangla Desh in Simla; UN observers also I have touched upon. The only point left is the question of the displaced persons. About this the position is simple. These persons who have been displaced from Pakistan territory are the responsibility of the Government of Pakistan. They are legally responsible, they are morally responsible, and we should never permit Pakistan to get out of that responsibility. Therefore, we will continue to remind them, as we have always reminded them, that it is primarily their responsibility to create conditions in that part where these persons can feel that they can return in safety of their person and in safety of their property. Therefore, we will continue to remind Pakistan of this responsibility.

It was in this connection that I myself had written to the Minister in charge of Political Affairs of Pakistan, Mr. Jatoi, reminding him of the steps that they should take. The reply was belated—and this was one of the points that was a matter of worry to us. I have no hesitation in taking the House into confidence that the reply by Mr. Jatoi was despatched only after they received the letter of our Prime Minister pointing out that there are several matters which are causing us concern. Thereafter, Mr. Jatoi wrote the reply. But I must say that the reply is constructive. He has said that they are desirous of taking back all these people, and they will ensure that they live there in safety of every type. They have also agreed upon a certain plan of action. It is not just a vague idea, and I have also placed a copy of what has been agreed between the two Commanders, on

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the Table. There are fairly detailed steps to be taken in the form of locating the police and making arrangements when they should move, what should be the chronological order in which this movement takes place. So all that is there.

But I would like to add that any scheme which may appear to be good on paper may not turn to be good because it is a question of human psychology, how they react to it, whether they feel that the conditions that are now created there are such in which they can find it safe to return. It is our expectation that Pakistan would discharge their responsibility in this respect and would emulate, may be to a very small degree, what Bangla Desh has done, because they created the conditions there. All the 10 million or 9½ million who came here went back because they knew that they could return in safety and honour.

So it is for Pakistan now to create conditions where, if they want to discharge their responsibility which they squarely own, they have to create these conditions in which these people can feel that they could return there without their person or their property being damaged, without their honour being subjected to any pressure or any tension. So it is for the Pakistan Government, both at the political level as also at the administrative level, to create the necessary conditions. We must be realists; we must remember that still there may be some people who would like to come over to us, who may not find it possible to return; in all such cases, consistent with our traditions of tolerance, our traditions of attaching certain importance to human values, we would not take an inhuman view of the situation, and certainly we cannot shoot people, we cannot at the point of the bayonet compel them.

SHRI R. D. BHANDARE (Bombay Central): That need not be explained; that is our basic stand.

SHRI SWARAN SINGH: This is the whole question about the refugees. So, I would say that these meetings at the official level, of the representatives of the two sides, have brought back the Simla agreement on to the rails. We are approaching this problem not with any optimism but in a spirit of realism, and we have to ensure that there is no deviation from their side, they are perfectly entitled to come to us, if we deviate from the Simla agreement. It will be our endeavour, therefore, to implement the Simla agreement, because we feel that the interests of the people of India and of Pakistan, the interests of peace, are more important, and it is to achieve that durable peace that we entered into the Simla agreement, and we are determined to implement it.

SHRI SAMAR GUHA: One sentence, Sir.

MR. DEPUTY-SPEAKER: After a long speech?

SHRI SAMAR GUHA: Just one sentence. The hon. Minister, in his wisdom, says that he considers this as a realistic approach, to have bilateral talks with Pakistan to the exclusion of Bangladesh. I want to know from the Government whether they will also consider it a realistic approach, namely, the exchange of prisoners of India and Pakistan to the exclusion of Bangladesh, the soldiers of India and Pakistan who have been captured in the western front.

SHRI SWARAN SINGH: There is no difficulty about the exchange of prisoners that are with us and who have been arrested on the western front. In fact, we had made the proposal, but President Bhutto for his own reasons thought that he would like to deal with the entire question of prisoners of war together. We made the position clear that Bangladesh is a necessary party; they have to be associated with any discussion; their agreement has to be there. That position is absolutely clear.

18.32 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, September 4, 1972/Bhadra 13, 1894 (Saka).

L/SJ(D)6LSS—1,010—25-11-72—GIPS